

Office of the Public Guardian and Trustee

When the Office of the Public Guardian and Trustee Becomes Your Guardian of Property

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WHEN THE OFFICE OF THE PUBLIC GUARDIAN AND TRUSTEE BECOMES YOUR GUARDIAN OF PROPERTY

Questions and Answers for New Clients of the Office of the Public Guardian and Trustee

1. What is the Office of the Public Guardian and Trustee?

The Office of the Public Guardian and Trustee (OPGT) is an Ontario government office and is part of the Ministry of the Attorney General. One of its jobs is to help people who are unable to manage their finances themselves by doing this for them. When the OPGT manages a person's finances it is called a "guardian of property".

2. How did the OPGT become my guardian?

Your doctor at the hospital, or a specially trained health professional called a "capacity assessor", met with you to see whether you are able to manage your financial affairs on your own. The OPGT was appointed your financial guardian because your doctor or capacity assessor believes you need the OPGT to help you in these matters.

3. Can the OPGT refuse to be my guardian?

No. The decision that you are unable to manage your property rests with the doctor or capacity assessor. If the doctor or capacity assessor followed all the proper legal steps, the OPGT must accept the responsibility of acting as guardian of your property, although someone else, such as a family member, may take over the job from the OPGT.

4. What if I have already made a power of attorney?

The OPGT's appointment can be cancelled if you have already made a valid power of attorney for your finances. The person who has your power of attorney must give the OPGT a notarized copy and confirm in writing that they will look after your finances as you have directed in your power of attorney documentation.

5. Can someone else be appointed as my guardian of property to take the place of the OPGT?

Yes. A relative may come forward and ask to replace the OPGT as your guardian of property. The OPGT will consult you and your caregivers if this request is made. If your relative has a reasonable plan for how your affairs will be handled and appears to have your best interests at heart, the OPGT will appoint them as your guardian of property. Special insurance, called a "surety bond", may be arranged to make sure your money is protected.

6. Who will I deal with at the OPGT?

Your financial matters will be handled by a person called a Client Representative. Your Client Representative will be in contact with you and will make sure you know how to reach us.

7. What if I don't think I need a guardian?

You have the right to dispute the doctor's or capacity assessor's opinion that you are unable to manage your property. A special board – called the Consent and Capacity Board - will hold a hearing to review your case. You have the right to have a lawyer assist you. Your Client Representative can tell you more about the process and how to apply to this board.

8. What will the OPGT do as my guardian?

The OPGT's job is to protect your financial interests. We will manage your money so that you get the most benefit from it as possible.

Before we can do this we have to find out about your finances – such as where you bank, what you own and what expenses and debts you have. One of our staff may go to your home to make sure that your home and your possessions are safe. Your mail may need to be redirected to the OPGT. If so, we will deliver your personal mail to you.

Your income will start going into an account with the OPGT that is opened for you. Your bills will be sent to us to be checked and paid from your funds, if you have the money. The OPGT will make sure you have access to money for day-to-day expenses.

Money that you do not need for your day-to-day living expenses will be invested for you. The money is put into a mixed group of investments to help protect it from risk and to get a good return, so that your savings grow.

If you want to buy goods or services, your Client Representative will arrange for payment of these purchases. Before approving purchases on your behalf, your Client Representative will ensure that you can afford them and that they are a good value.

If you own things that you don't need anymore, the OPGT may sell the items for you for the best possible price.

The OPGT will arrange to file your income tax returns, make applications for any benefits you should get and arrange legal help if necessary.

9. Does the OPGT need special permission to do each of these things?

No. Once the OPGT is your guardian, we can do things on your behalf such as sign documents, deposit money and sell items.

10. Do I have any say in how the OPGT manages my finances?

Your wishes are important. You have the right to take part in decisions that are made about your property, if you can. We encourage you to do so. But the OPGT must take final responsibility for making these decisions in your best interest.

11. Can I get information about my finances from the OPGT?

Yes. Your Client Representative will give you any information you request about your finances. You may also request a statement showing all your income and expenses.

12. Does my money and other property still belong to me?

Absolutely. The OPGT's job is to protect your money and make it available for your benefit. The OPGT keeps all your belongings and income in your name. If you regain capacity, management of your property becomes your responsibility. If you die, your property goes to your lawful heirs.

13. Do I earn interest on my money?

Yes. Money that is in your account at the OPGT earns interest.

14. Will the OPGT protect me from financial exploitation?

Yes. The OPGT is your financial guardian. Our decisions will not be influenced by anything except what is in your best interests. We will try to protect you even if our decisions are unpopular with others.

15. What do I pay for this service?

It depends on your financial situation. If you can afford regular fees, you will pay the amount that the law permits any guardian to charge. The fee is 3% for any payment made or received on the client's behalf. For example, if a bill of \$100.00 is paid, \$3.00 goes for OPGT fees. If \$100.00 of income is received, \$3.00 is paid toward OPGT fees.

There is also a fee of 0.6% on the value of your property. For example, if the PGT holds \$1000 in trust for you, the fee for one year would be \$6.00. Fees for legal work, property management and tax filings are charged at standard rates.

If your income and other financial resources do not support payment of fees in full, the PGT may temporarily defer collection of some or all of its fees. If that happens, the difference between the amount you pay, and the regular fee may have to be repaid if your financial circumstances improve or may be collected from your Estate upon your passing.

16. What can I do if I am not happy with the guardianship services I am receiving and want to file a complaint?

The OPGT is committed to providing accessible and timely service. We welcome feedback about meeting our standards on accessibility and providing client focused service.

Feedback may be provided in person, at any one of the OPGT's local offices, by telephone, or in writing. Contact information is contained below.

All feedback is reviewed by an OPGT staff member. If the feedback constitutes a complaint about the service standards, an attempt will be made to respond immediately. If the complainant is not satisfied with the response, the complaint will be forwarded to the manager of the applicable OPGT business unit to review and respond within ten business days using the same means of communication that was used to provide the feedback. All reasonable efforts will be made to resolve the complaint.

Feedback is used to facilitate continuous improvement in the way we provide service. Positive feedback is always welcomed.

Contact Us:

Greater Toronto
595 Bay Street, Suite #800
Toronto, ON M5G 2M6
Tel: (416) 314-2800
Toll-free: 1-800-366-0335
TTY: (416) 314-2687
Fax: (416) 314-2619

London Region
London Courthouse, 80 Dundas
Street, London, ON N6A 6A3
Tel.: (519) 660-3140
Toll-free: 1-800-891-0504
Fax: (519) 660 -3148

Sudbury Region
199 Larch Street, Suite 602
Sudbury, ON P3E 5P9
Tel: (705) 564-3185
Tel: 1-800-891-0503

Hamilton Region
119 King Street West, 9th Floor
Hamilton, ON L8P 4Y7
Tel: (905) 546-8300
Toll-free: 1-800-891-0502
Fax: (905) 546-8301

Thunder Bay Region
189 Red River Road, Suite 101
Thunder Bay, ON P7B 1A2
Toll-free: 1-800-891-0503
Fax: (705) 564-3193

Ottawa Region
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Ottawa, ON K1S 2E6
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This brochure summarizes the main points that a new client may want to know. It should not be used in place of the Substitute Decisions Act, 1992 and it is not a substitute for legal advice. The brochure avoids legal terminology wherever possible. Some of the technical detail, including qualifications and exceptions to some of the provisions in the legislation, has been omitted. Please consult the Act itself for more detailed information. A consolidated version of the Act and the Regulations made under the Act is available. It may be obtained online at www.ontario.ca/laws.

Alternate formats of this brochure are available upon request. Please contact 416-314-2803 or toll free 1-800-366-0335.

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