

## Comparison Chart for Enduring Power of Attorney and Representation Agreement Section 7 F+L

*The Enduring Power of Attorney (EPA) is outlined in Parts 2&3 of the Power of Attorney Act of BC and covers routine and broader financial and legal authorities. Most people will make an EPA. Some might decide to make the RA7F+L. The Representation Agreement Act (RA Act) of BC lists routine finances and legal affairs in section 7.*

***This chart provides a general overview only. It is not intended to be a complete inventory or comparison.***

FINANCIAL AUTHORITIES	RA7 F+L	EPA
<b>RA7 routine finances and EPA cover SAME authorities</b>		
Bank matters - e.g. open/close an account, deposit/withdraw funds.	<b>Yes.</b>	
Renew or make payments on existing loans (like mortgage).		
Obtain financial benefits or entitlements. Pay bills.		
Make investments according to the Trustee Act. Manage and dispose of adult's investments.		
Act as the Account Holder for a Registered Disability Savings Plan.		
Deal with CoOp Housing, renting, mobile housing (not registered with Land Title - is called chattel).		
Cancel credit cards. Deal with utilities (cable, electricity, gas)		
Sell adult's motor vehicle(s).		
<b>SOME MINOR DIFFERENCES between RA7 authority for routine finances and the EPA</b>		
Create new beneficiary designation or cancel or change an existing beneficiary designation in an instrument, other than a Will.	<b>Yes.</b> Keep same beneficiary designation when renewing, replacing, or converting an instrument (e.g. RRSP to RIF).  The adult's estate must be the beneficiary if create a new instrument.	
(An instrument refers to investments such as a Tax Free Savings Account and RRSP)	<b>No.</b> Can NOT cancel or change a beneficiary designation - has to be same as what adult put or use estate..	<b>Yes,</b> can change but only if Supreme Court of BC authorizes it.
Delegate authority to someone else. (This is different than having an alternate as a back-up, which is recommended.)	<b>Yes,</b> only with respect to investments (and only to a qualified investment specialist).	<b>Yes,</b> with respect to investments. Can delegate for other decisions if statement added in EPA.
Buy, renew, or cancel motor vehicle, household, or other insurance.	<b>Yes,</b> except NOT buy a new life insurance policy for adult.	<b>Yes.</b> Can buy new life insurance policy if statement added in EPA.
Make charitable donations.	<b>Yes,</b> up to a defined limit, if it has been adult's past practice and is within adult's means.	<b>Yes,</b> up to defined limit, past practice and within means. Can go beyond if statement added in EPA.

FINANCIAL AUTHORITIES	RA7 F+L	EPA
<b>OTHER Financial Authorities</b>		
<p>Deal with real estate (Land Title) on adult's behalf.</p> <p>For example, deal with:</p> <ul style="list-style-type: none"> <li>• Buying and selling real estate property - including Strata, laneway housing</li> <li>• Taking out a NEW mortgage.</li> <li>• Builders' liens.</li> <li>• Mineral and agricultural rights.</li> <li>• Leasing your real estate property for a term of 3 years or more.</li> </ul>	<p><b>No, cannot buy or sell real estate on adult's behalf</b> (but could rent real estate - make sure lease is less than 3 years).</p>	<p><b>Yes</b>, if the EPA is witnessed correctly and includes wording and proper signing for Officer Certification (as required by Land Title Act).</p>
<p>Act on adult's behalf as a director or officer of a corporation adult owns or serves on.</p>	<p><b>No.</b></p>	<p><b>Yes</b></p>
<p>Take a fee-for-service when carrying out duties.</p>	<p><b>No</b>, unless authorized by Supreme Court of BC</p>	<p><b>No.</b> Can allow only if specific statement added in EPA with rate or amount.</p>
<p>Use adult's money or property for the benefit of themselves or others— such as minor children. This could involve borrowing/ lending adult's money, transferring ownership of adult's vehicle or real estate, or making gifts.</p>	<p><b>No.</b></p>	<p><b>No for attorney</b> - no benefit to attorney, not even birthday money.  <b>Yes to some others but only for some things.</b>                      To go beyond what is generally allowed, need to add specific statement in EPA.</p>
<p>Take more risks in making investments than allowed by the Trustee Act.</p>	<p><b>No.</b></p>	<p><b>Yes</b>, if specific statement added in EPA. But Trustee Act is already a high standard so be careful if vary it.</p>
<p>Take out a new loan on adult's behalf, or guarantee a loan for someone else.</p>	<p><b>No.</b></p>	<p><b>Yes.</b></p>
<p>Apply for and/or manage pension entitlements and benefits held in a jurisdiction outside BC (another province/territory or country).</p>	<p>The RA7 is a type of agency authority (like an EPA) but most jurisdictions outside BC use terms with power of attorney in their legislation and therefore may not accept the RA7.</p>	<p><b>Probably</b>, an EPA that is valid in BC most likely meets the requirements (terminology) of another province or country for the purpose of pension benefits held in that jurisdiction.</p>
<p>Deal with real estate property in a jurisdiction outside BC (another province/territory or country).</p>	<p><b>No.</b></p>	<p>It is best to have the relevant document of the jurisdiction where the real estate is owned.                      E.g. if adult owns real estate in Ontario, adult might make the Ontario document Continuing Power of Attorney for Property.</p>
<p>Use adult's credit card.</p>	<p><b>No.</b></p>	

LEGAL AUTHORITIES	RA7 F+L	EPA
Obtain legal services.	<b>Yes.</b>	
Instruct a lawyer to act on adult's behalf to begin, continue, compromise, defend or settle any legal proceedings.	<b>Yes</b> , except can NOT <i>begin</i> divorce proceedings on adult's behalf.	<b>Yes</b> , including begin divorce.
Represent adult in tribunals, small claims court.	<b>Yes.</b>	
Settle a claim for compensation on adult's behalf.	<b>Yes.</b>	
Act as litigation guardian.	<b>Yes</b> , if Agreement includes authority for legal affairs - section 7(1)(d)	<b>Yes.</b>
Agree to executor's accounts on behalf of adult as beneficiary.	<b>Yes.</b>	<b>Yes.</b>
Make a Will on adult's behalf or change adult's existing Will.	<b>No.</b>	

### SOME FAQs

#### What are the capability requirements for making an EPA?

The capability requirements for making an EPA in BC are listed in section 12 of the Power of Attorney Act. The adult/maker must understand the nature and consequences of six factors:

1. What they own and the estimated value of each item;
2. The obligations they owe to dependants, such as a spouse and minor children;
3. That the person appointed may be able to deal with any financial and legal affairs on their behalf, except make a Will. They can restrict or put conditions on the authority;
4. That, unless the person appointed manages the adult's affairs responsibly, the value may decrease;
5. That the person they appoint might misuse their authority; and
6. That they, as long as they are capable to make an EPA, may revoke (cancel) the EPA.

Some people who meet the capability requirements to make an EPA may decide to make an RA7F+L.

#### Does the EPA cover health care?

No. If someone meets the EPA capability requirements, they make an RA9 for health & personal care.

#### What if someone does NOT meet EPA capability requirements?

If someone does NOT meet the capability requirements to make an EPA, Nidus recommends helping the adult to make a **RA7AII** (this includes authority for routine finances and legal affairs as well as for health and personal care matters—all four standard powers available under section 7 of RA Act).

#### MORE INFORMATION & RESOURCES FROM NIDUS

Go to [www.nidus.ca](http://www.nidus.ca) > **Information** (top menu bar) > select topic

Go to [www.nidus.ca](http://www.nidus.ca) > **RA Forms** (right sidebar, under Highlights)