

Procedures for Resigning as a Representative or Alternate Named in a Representation Agreement

Who would resign from a Representation Agreement?

A representative, alternate and/or monitor can resign from a Representation Agreement (RA).

This information is about the procedures for a representative or alternate to resign.

If a monitor is resigning, the Nidus Resource Centre provides information separately about the procedures for resigning as a monitor. See where to find more resources on page 2.

How do I resign as a representative (or alternate)?

The BC Representation Agreement Act (RA Act) spells out procedures for resigning from a RA in section 19.1. Check if the RA you are named in has additional procedures for resigning.

A resignation must be communicated in writing (not by a verbal statement). This is called giving 'Notice.'

The legal procedures require that the Notice of Resignation be given to specific people. This is explained under a later heading.

If you do not follow the procedures outlined in the legislation (and others listed in the RA) your resignation may not be valid and you may be responsible for not acting when needed.

When is resignation not required?

If the adult who made the RA revokes (cancels) the RA, then the entire RA and all authorities given in it are ended. It would not be necessary for those named as representative, alternate, or monitor to resign. See where to find more resources on page 2 if you want details on *Revoking a RA*.

Do I need to give a reason for resigning?

The law does not require you to state a reason for resigning. However, if asked, people often say 'for health reasons' or 'for personal reasons.'

What is the effect of a resignation by a representative or alternate?

The effect of a resignation depends on the wording in the Agreement. Generally, if another representative or an alternate is named in the Agreement, the Agreement may continue. However, problems can arise if the Agreement requires representatives to act together (jointly).

If an Agreement is ended due to a resignation, the adult would sign a Notice of Revocation and make a new Agreement. See heading on page 2 for where to find more resources.

What does a Notice of Resignation look like?

See the sample on page 3 for an example of a Notice of Resignation. You may use or adapt it.

Is a witness required when I sign the Notice?

Although it is not required by the law, it may be helpful to ask someone to witness (watch) you sign and date the Notice of Resignation. After you sign, the witness can sign the Notice and print their name and contact information.

Who do I give the Notice of Resignation to?

In order for your resignation as a representative or alternate to be valid, you must give a signed and dated copy of the Notice of Resignation to:

1. The adult (who the Agreement belongs to), and
2. Each representative named in the Agreement (other than yourself if you are a representative), and
3. Each alternate named in the Agreement (other than yourself if you are an alternate), and
4. The monitor (if one is named).

It is a good idea to keep proof that your Notice of Resignation was given to those required.

How do I deliver the Notice of Resignation?

In order to be valid, section 6 of the Representation Agreement Regulation says you must give a copy of the Notice of Resignation to each person (see list above) 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; or
- 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.

The law does not say you must get confirmation that the notice was received. Keep a record to prove that it was delivered/sent as required.

When does the Resignation take effect?

The resignation takes effect on the date when Notice **is given** to everyone required in one of the required ways. Or, you can put a future date in the Notice for when the revocation takes effect.

Who else needs to be informed about the resignation? Some tips.

Do NOT cross out names on the original Representation Agreement, instead keep a copy of the Notice of Resignation with the original. Changes can be made on future photocopies of the original.

Send a copy of the Notice to any third parties where the RA has been distributed – for example, to the bank, health care provider, or government agencies.

Keep your own copy of the the Notice of Resignation, you might need it later.

It is also a good idea to register a copy of the Notice with the Nidus Registry. One of the challenges when resigning from your role in a legal document is how to let third parties (banks, government agencies, etc.) know about it. If the adult has set up a Registry Account and registered the RA, Notice of Resignation can be added to the record. Registering the resignation helps with communication. There is a \$10.00 fee to record a resignation in the Nidus Registry. Email a copy of the Notice to registry@nidus.ca

Where to find more resources?

Go to www.nidus.ca > Information (top menu bar) > select Representation Agreement

Thanks from the Nidus Resource Centre to donors for funds to produce this and other education resources.

NOTICE OF RESIGNATION BY REPRESENTATIVE OR ALTERNATE

***In accordance with section 19.1 of
the Representation Agreement Act, R.S.B.C. 1996, c. 405 as amended,***

I, _____
(TYPE or PRINT full name as it appears in the Representation Agreement)

of _____
(TYPE or PRINT current address)

phone _____
(TYPE or PRINT area code + number)

hereby resign from the Representation Agreement (RA):

Made by _____
(TYPE or PRINT full name of adult, as it appears in the RA)

of _____
(TYPE or PRINT adult's current address)

phone _____
(TYPE or PRINT area code + phone number for adult)

Signed on _____
(TYPE or PRINT date the adult signed the RA with witnesses - Month, Day, Year)

I am named in the RA as: (Check one) representative alternate representative

This resignation is signed by me: _____
(Your signature)

This resignation takes effect on: _____, 20____
(TYPE or PRINT current or future date - Month, Day, Year)

To be valid, the notice of resignation must be delivered/given to the adult and to each person named in the Agreement as representative(s), alternate(s) and monitor. The Representation Agreement Regulation says that a written notice must be delivered/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; or*
- *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.*