PGT Public Guardian and Trustee of British Columbia

Services to Adults

Where the PGT is Trustee of a Personal Trust

Requests for Funds When the Beneficiary has a Legal Representative

Roles

There are a number of different legal roles within the Public Guardian and Trustee (PGT) for management of personal finances and trust administration.

These include Trustee, Committee of Estate, Power of Attorney or Representative under a representation agreement. These legal roles each have their own set of duties and responsibilities.

Sometimes the PGT can be the Trustee of a Personal Trust as well as the legal representative (such as Committee of Estate) of an adult beneficiary of a Personal Trust.

Who should make the request for a disbursement from the trust?

When there is no legal representative:

If the adult beneficiary does not have a legal representative, the adult is considered to be responsible to manage his or her own personal finances, including making requests to access trust funds. Therefore, the adult beneficiary would make the request directly to the Trustee. Some adults who do not have a legal representative may require assistance in making requests from a trust.

When there is a legal representative:

If the adult beneficiary has a legal representative (such as a Committee of Estate, Power of Attorney or Representative), whoever holds this authority is responsible for managing the adult's finances, including making requests to access trust funds. Therefore, the legal representative, on behalf of the beneficiary, would make the request directly to the Trustee.

What if the PGT is both legal representative and trustee of a personal trust?

Where the PGT is the legal representative for an adult who is also a beneficiary under a Personal Trust, requests to access the trust should be directed to the person's PGT Case Manager.

When a Case Manager receives a request to access the trust, the Case Manager first determines if the request is appropriate. In some cases, there may be publicly funded resources available to assist in meeting the adult's needs or it may be appropriate that the request be funded from the adult's personal funds. If appropriate, the Case Manager will present the request for funding to the Personal Trust Administrator.

The Personal Trust Administrator makes the decision as to whether the trust is able to provide the support requested, consistent with the terms of the trust, the size, the eventual distribution of the trust, other resources available to the beneficiary and the nature of the request being made.

Inquiries about decisions on requests to access the trust should be directed to the person's PGT Case Manager. If the person does not have a PGT Case Manager, then these inquiries should be directed to the Personal Trust Administrator.

For more information about the PGT, please visit our website at www.trustee.bc.ca or contact us at:

Public Guardian and Trustee
700 – 808 West Hastings Street
Vancouver, BC V6C 3L3

Telephone: (604) 660-4444

Fax: (604) 660-0374

Email: mail@trustee.bc.ca