

When the Public Guardian and Trustee is committee of estate

Financial and legal decision making
services for vulnerable adults

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What does it mean to be a committee

Committeeship is an arrangement where the Public Guardian and Trustee (PGT), a private individual, or a trust company is granted the authority to manage the affairs of an adult who is incapable of managing their own affairs. The person managing a person's affairs is called a committee.

There are 2 kinds of committee:

- 1. Committee of estate:** A committee of estate is the person appointed to take care of an adult's legal and financial affairs when an adult cannot make decisions on their own. For example, an adult may have dementia or a severe mental health issue that stops them from paying their bills or dealing with legal issues. A committee may manage income and expenses, take care of investments, operate the adult's bank accounts or maintain property
- 2. Committee of person:** A committee of person is the person appointed to make decisions about health care and living arrangements as the adult may not be able to take care of themselves and may be at risk of other people taking advantage of them. A committee of person may make decisions about where the adult should live, health care or who can visit the adult

The need for a committee

A committee is needed when an adult cannot make decisions for themselves and may be vulnerable to abuse, neglect or self-neglect.

A committee is needed for an adult only as a last resort, after all other options have been explored. Committeeship is a very serious legal step. It takes away a person's right to decide certain things for themselves.

Different people and organizations can be committee

A committee of estate or person can be a family member, close friend, trust company or the PGT. Individuals and companies appointed committee of person or estate are called private committees. The PGT acts as committee as a last resort when there are no family or friends willing or able to take on the role.

The PGT as committee of estate

When the Public Guardian and Trustee (PGT) is appointed committee of estate, the adult becomes our client. Our duty is to manage clients' finances and legal issues in their best interest. Clients are assigned a case manager who is responsible for making decisions about their financial and legal affairs.

After the PGT is appointed committee of estate, a case manager is assigned and contacts the client by letter and/or by phone call. The case managers also contact the client's support network to learn about the client's unique needs and priorities. As quickly as possible, case managers create individual plans that support the client's needs and independence. For example, many clients can still use their own bank account. They can make decisions about day-to-day things such as grocery shopping and entertainment. In-person visits are arranged with clients within the first 6 months. This is a chance for case managers and clients to meet and talk about clients' needs and wishes and answer any questions clients' have.

PGT and decision making: involving clients, families and others

We involve clients as much as possible in setting up the plan for managing their finances and big financial decisions. We also involve family and friends as much as we can.

Sometimes, clients do not want us to share their information with other people, even with their family and close friends. How much we involve friends or family depends on:

- Clients' wishes
- Clients' past practices on sharing information
- Clients' ability to understand decisions
- The risk of harm to clients
- The interest and availability of family
- The urgency of the situation and
- Confidentiality

The PGT will not share information with anyone who may have treated the client poorly or is not trusted by the client.

The PGT also works with other people who have legal authority over parts of a client's life. These could include a client's committee of person, or a representative for personal and health care decisions. We may also work with other professionals like social workers, nurses, physicians, or care aides. We do this to ensure our decisions are in the client's best interests.

PGT's responsibilities as committee of estate

Decisions the PGT can make:

Applying for benefits

Receiving income

Paying bills

Contracting for services

Maintaining, purchasing and selling real estate

Managing investments

Preparing tax returns

Supporting legal dependents

Dealing with legal issues

Decisions the PGT cannot make:

Health care

Living arrangements

Marriage or divorce

Adoption

Voting

Executing a will

Criminal proceedings

Immigration matters

How the PGT gets started as committee of estate

Case managers let clients know what to expect within the first few months of involvement. For example, the case manager will:

- Provide information about the PGT and our role
- Provide information about a client's rights to challenge the PGT's involvement
- Gather information from clients, family, friends, other supports
- Gather financial information
- Request other PGT staff (Investigators) to visit and inspect clients' residences or properties to make sure they are safe and to make an inventory of assets (except for small household items)
- Conduct a search for a will
- Deal with client legal issues
- Develop client case plans and budgets
- Redirect client mail and arrange for a change of address, where required
- Redirect income and bills
- Gather client tax information for the current and previous years

If clients are interested and able to manage day-to-day expenses, we make sure there are funds in their bank accounts. This supports clients to pay for things such as groceries, transportation or entertainment. For clients living in long term care, we make sure there are funds available for them where they live, so they can participate in activities and are able to pay for any daily needs like haircuts, day trips or snacks.

Legal issues

Sometimes, clients require assistance resolving different legal matters. The types of legal issues that we assist clients with, include:

- Family law issues, such as divorce or separation
- Estate law, such as updating their will, or varying a will

- Personal injuries, such as a car accident claim with Insurance Corporation of British Columbia (ICBC)
- Defending the client in legal matters
- Business matters

Case managers work with the client and PGT lawyers to serve the client's best interests.

PGT managing client assets and financial affairs as committee of estate

The PGT sets up a trust account for each client. This is where the client's cash and income are deposited and from where bills are paid.

The PGT applies for financial and health benefits, redirects existing income or pensions to client trust accounts and pays their bills and expenses from these funds. If clients have debts or are behind in paying their bills, the PGT pays them with their money in their trust accounts. If clients do not have enough money to pay their debts, the PGT settles claims on their behalf, including filing for bankruptcy.

The PGT safeguards or sells assets depending on clients' best interests. In many cases, client circumstances require assets to be sold to pay for their needs. An asset is something that a person owns. It could be real property, jewellery or a stock, including cash.

Below is information about what we do to manage assets, cash and liabilities. A liability is something that a client owes. A debt to be paid like a mortgage or an amount owing on a credit card.

- **Bank accounts:** Whenever possible, we make arrangements for clients to continue to access their bank account. We make sure that restrictions are put in place, such as limiting the amount of daily cash withdrawals or how much money is in the account. This is done to make sure clients are not taken advantage of and stay within their budget. If clients are unable to manage their bank account, it is closed as soon as possible. The money from the bank account is deposited to their trust account.

- **Cash:** All cash is held in client trust accounts or investment accounts with the PGT. For more information, see How we invest clients' money
- **Contents of a Safety Deposit Box:** The PGT opens the safety deposit box, removes the contents and makes sure that whatever was in the safety deposit box is safe – including placing items in the PGT's vault, when required. When the PGT opens a safety deposit box, there are always 2 people present and an inventory is taken
- **Stocks and Bonds:** Investment plans are created for clients with sufficient assets, including stocks and bonds. Stocks and bonds are kept until the client requires access to cash. If the stocks and bonds are sold, the PGT makes every effort to avoid withdrawal penalties
- **Furniture and other personal belongings:** For clients living in the community, furnishings and other belongings are left with them. For clients who move into a care facility or assisted living facility, the PGT makes decisions about their personal belongings with input from clients, families and friends. Some things are sold, and if clients can afford it, some things may be stored in case they may need those items in the future, or perhaps want to give them to family members or friends. Items to be sold are sent to public auction, and the proceeds are deposited to each client's trust account. Items that can't be sold at public auction are disposed of
- **Memorabilia:** Photos and family mementos are often very important to clients and their family members. Efforts are made to preserve or store client photos, family mementos and other special items
- **Real estate:** For clients living in their home or who state in their will that their home is to be given to someone after they die, we make every effort to keep their residence. In some cases, a client's home may be rented. Client homes are rented when the client has enough funds to cover expenses such as taxes, mortgage, repairs, and other costs related to maintaining the

property. The PGT uses a property management company to take care of the client properties. Client homes may be sold if they do not use their property or cannot afford to maintain it. We consult with clients before selling their property. Before client properties are sold, they are appraised to make sure we get the best price. Funds from the sale are deposited into each client's trust account and may be invested. Investing the funds depends on each client's needs and circumstances

- **Motor Vehicles:** In some cases, clients can still drive a motor vehicle. If clients have enough funds, we make sure that costs related to their vehicles, such as insurance and maintenance, are paid. If clients do not drive their vehicles or cannot afford to keep them, the vehicles are sold. Funds from the sale go into each client's trust account and may be invested. Investing depends on each client's needs and circumstances

How the PGT manages jointly-held assets

The PGT manages joint assets with the client's best interests in mind. This may involve making decisions with joint owners about how the asset will be used and maintained.

Sometimes the PGT needs to sell assets, even when they are jointly-held. We do this when it is in the client's best interest. For example, a client may not be able to afford the cost of maintaining the asset. Or, some assets may need to be sold to pay for the cost of the client's care. The PGT will contact joint owners to discuss the sale of any jointly-held assets.

If the client is in a care facility

The PGT pays residential care fees with the client's money. We will also provide additional money for small purchases if the client has money for these extra purchases.

If a client's dependents are in need

A client's assets may be used to help a dependent who is in need. This depends on:

- The type and amount of help
- The wishes and needs of clients
- The client's legal obligations to assist the family member

Fees and expenses

PGT fees are based on the total assets and income of the client and are set out by regulation. The types of fees the PGT charges as committee of estate include income and capital commissions, an asset management fee and a minimum administration fee.

In addition, clients pay the expenses related to investment management, filing taxes, seeking legal advice or managing real property on their behalf.

All fees charged by the PGT are set by the B.C. government in the Public Guardian and Trustee Fees Regulation. For more information, see the [Fees charged for Services to Adults](#) page on our website.

How to end the PGT's role as committee of estate

The Public Guardian and Trustee's role as committee can end in a variety of ways. In most cases, it is because the client dies. The process to end the role depends on how the PGT was appointed committee in the first place.

If the client has not died, there are different reasons and ways that end the PGT's involvement in the client's life.

Summary chart on how to end the PGT's role as committee of estate

The reason why the PGT, as committee, may no longer be needed	How PGT was first appointed as Committee of Estate	Process
Client dies	Court Order or Certificate of Incapability (CI)	The PGT's role as committee of estate ends once a client dies. All of the client's assets become part of the client's estate. The PGT's estate liaison department takes care of the day-to-day management of the estate's assets until they are transferred to the executor or administrator.
Client may be capable	Certificate of Incapability	A reassessment of the client's capability is completed. The case manager will help the client through this process; the client is responsible for paying for any reassessment costs. See information about reassessments below, OR The client may choose to go to court for a review of their capability and the court decides that the client is capable. The case manager helps coordinate this activity, and the client is responsible for paying any legal fees for going to court.

The reason why the PGT, as committee, may no longer be needed	How PGT was first appointed as Committee of Estate	Process
Client may be capable	Court Order	<p>The only way to end a court-ordered committee ship is through a new court order. The court must find that the client is capable. The client’s case manager can help coordinate this process.</p> <ul style="list-style-type: none"> • It is best if clients have the help of a lawyer to bring an application for a declaration of capability before the court • The court decides who is responsible for any legal fees charged – typically, the client is responsible • The PGT helps the client get a lawyer
New private committee	Certificate of Incapability or Court Order	<p>The court appoints a private committee</p> <ul style="list-style-type: none"> • The court decides who is responsible for any legal fees charged – typically the adult is responsible • The PGT will work to transition our involvement to the new committee
The PGT determines that the client no longer requires a committee	Certificate of Incapability as per s. 37 (3) (a) of the Adult Guardianship Act	<p>For the PGT to make this decision, it considers the following:</p> <ul style="list-style-type: none"> • Evidence of the adult’s ability to sufficiently manage their financial affairs • The adult’s wishes • Whether and how the adult’s circumstances have changed • If the original need or reason for authority has changed • If informal arrangements, for example, direct deposit, would be enough to help the adult • Current diagnosis and prognosis of any relevant medical conditions • Whether the adult may need our services soon • The presence of a support network to help the adult. This may include someone who is willing and able to act as a legal representative or pension trustee • Risks to the adult’s assets and legal affairs if the PGT does not remain involved • Consultations with health and social supports in the adult’s life, including relevant health authority staff and the adult’s physician

Clients under a certificate of incapability have the following legal rights:

- **Second assessment:** Within 40 days after the PGT notifies clients that the PGT is appointed committee of estate, clients, or a person acting on behalf of clients, may ask for a second assessment
- **Reassessment:** Clients have the right to request a reassessment every 12 months from the previous assessment date
- **Court review:** Following a second assessment or reassessment, clients have the right to apply to the court to ask the court to review the assessment of incapability to see if it stands
- **Getting a copy of the assessment of incapability:** Clients have a right to obtain their personal information. They can speak to their case manager about getting a copy of the assessment of incapability or any other records

Case managers can explain these rights to clients and will help with these requests. Clients may choose to speak directly with their own doctor, or to a lawyer about these rights if they wish.

When a client is capable

When PGT's role as committee ends, we transfer the client's assets sets to the client. Clients can expect the PGT to:

- Inform relevant parties the PGT is no longer involved
- Return all assets to the client
- Redirect income and bill payments back to the client
- Provide information about finances, priority issues, any existing legal matters, and community resources
- Answer any questions

When there is a new private committee

We transfer the client's assets and any outstanding legal issues to the new private committee to

manage. Our goal is to make sure there is a smooth and successful transition for the client. We help the private committee to understand their duties. We also provide the new committee:

- Important financial information
- Status of any existing legal matters
- Priority issues
- Helpful community resources and contact information

Private committees are asked to sign a document releasing the PGT from any claims related to our role as committee.

If the committee cannot manage the client's affairs at any time, the PGT becomes the default committee. For example,

- If the private committee dies
- If the private committee's authority is taken away

For more information, see the [Review and Monitoring of Private Committees](#) page on our website.

When a committee of estate client dies

The Public Guardian and Trustee's role as committee of estate ends once a client dies. All of the client's assets become part of the client's estate. The PGT's estate liaison department takes care of the day-to-day management of the estate's assets until they are transferred to the executor or administrator.

Initial steps

When a client dies, PGT staff:

- Make funeral arrangements, unless there is an executor or family member who plans to apply to be appointed as the administrator. If the executor or the family are making the arrangements, we ask that they consult the case manager to make sure there are enough funds to pay the related expenses

- Order a death certificate from the funeral home
- Let all income sources, creditors and Canada Revenue Agency know of the client's death
- Try to find the executor or next of kin qualified to administer the estate, if this information is not already known
- Give information about estate assets to the executor or next of kin, so they can make an application to the court for a representation grant to administer the client's estate. Sometimes called an estate grant, a representation grant is a document that says who has been legally proven to be the executor named in a will
- Complete a review of the PGT's management of the client's finances, including a review of fees
- Continue to safeguard the client's assets, collect the client's income and pay any bills until they can be transferred

If the client had a will, the will sets out what is done with the assets. A will is a legal document that the client left, and it lets the court know what to do with the client's estate. The will usually names an executor to process the estate. The will can name one or more executors and can also name alternate executors if someone is unable to take on the role. The executor, or executors, are responsible for carrying out the instructions in the will and administering the estate.

If there is no will, the person is said to have died intestate. Provincial laws set out what happens to the client's assets. The person who will process the estate is called the administrator. An administrator is responsible for administering the state of someone who died: like an executor, but appointed by a court.

Executors and administrators are responsible for making sure assets go to the client's beneficiaries as set out in their will or the intestate successors, the person (or persons) who are entitled to receive all or part of an intestate estate, as set out in legislation.

Transfer of assets

When an executor or administrator applies to the court to process an estate, the court will issue a representation grant. This grant authorizes the executor or administrator to receive the funds and assets in the estate. The PGT needs a copy of the representation grant before we can transfer the assets to the executor or administrator. Executors or administrators are asked to sign a document releasing the PGT from any claims by the estate. For some estates with low-value assets, a representation grant may not be required. Contact the Estate Liaison department for more information.

When an executor or family cannot be found

Sometimes, a client's executor or family member cannot be found. In other cases, the client's family members are not able to administer the client's estate. When this happens, our estate liaison department refers the estate to the PGT's Estates and Personal Trust Services division. The estate administration department may administer the estate.

When there is no will, the executor does not want to act or no family is found, and the value of the estate is low, the estate is not administered by the PGT and the monies are sent to the [B.C. Unclaimed Property Society](#) (BCUPS). BCUPS is a not-for-profit society that holds unclaimed property and looks to reunite that property with the rightful owners.

If a client's assets have been transferred to the BCUPS

Claimants should contact BCUPS directly.

Toll free

1-888-662-2877

Email

info@bcunclaimedproperty.bc.ca

Contact the Public Guardian and Trustee

Greater Vancouver Regional Office

700-808 West Hastings Street
Vancouver, B.C. V6C 3L3

Phone 604-775-1001
Fax 604-660-9498
Email STA@trustee.bc.ca

Interior-North Regional Office

1345 St. Paul Street
Kelowna, B.C. V1Y 2E2

Phone 250-712-7576
Fax 250-712-7578
Email STA@trustee.bc.ca

Vancouver Island Regional Office

1215 Broad Street
Victoria, B.C. V8W 2A4

Phone 250-356-8160
Fax 250-356-7442
Email STA@trustee.bc.ca

Toll free calling

Toll free calling is available through Service B.C.
After dialing the appropriate number for your area
(see below) request to be transferred to the Public
Guardian and Trustee.

Vancouver 604-660-2421
Victoria 250-387-6121
Other areas in B.C. 1-800-663-7867

General inquiries

For questions unrelated to the information in this
publication.

Email mail@trustee.bc.ca
Website www.trustee.bc.ca

PGT hours of operation

Monday to Friday 8:30am to 4:30pm