

## Procedures for Resigning as an Attorney or Alternate Named in an Enduring Power of Attorney

### How do I resign as an attorney?

This information describes the requirements for resigning as an attorney named in an Enduring Power of Attorney (EPA), as set out in the *Power of Attorney Act - Part 2* and Regulation. You should also check if the EPA you are named in lists any additional steps for resigning.

The attorney or alternate attorney is the title given to the person or institution appointed in the EPA to act on the adult's behalf with respect to financial and legal affairs.

The attorney must put their resignation in writing. This is called a Notice of Resignation. The law also requires that this Notice be given to specific people and it must be delivered in a particular way (see next heading). If you do not follow the procedures outlined in the law, the resignation may not be valid and the attorney may be responsible for not acting when needed.

The law does not require an attorney to sign a Notice of Resignation if that attorney never signed the original EPA and never acted on their authority. However, it may still be helpful in such case for the attorney/alternate to complete and deliver a Notice of Resignation. It provides a way to notify all the involved parties that even though the attorney/alternate is appointed in the EPA, they are unwilling or unable to act.

Do not cross names out on the original EPA document. This may make the document invalid. See page 2 for tips on how to inform others.

### What does a Notice of Resignation look like?

See the attached example of a Notice of Resignation. You may adapt this form as needed.

### Who do I give the Notice of Resignation to?

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

1. the adult, and
2. all other attorneys named in the EPA, and
3. If the adult is incapable at the time you are resigning, you must also give Notice to the adult's spouse, or near relative, or close friend.

*A 'near relative' is defined as an adult child, parent, grandparent, adult brother/sister, or any other adult relation by birth or adoption.*

*A 'close friend' is another adult who has a close, long-term relationship and frequent personal contact with the adult, as long as that person does not receive compensation for providing personal or health care to the adult.*

### How do I deliver the Notice of Resignation?

The Power of Attorney Act does not set out the ways to deliver your Notice to those you are required to inform. You may wish to follow the procedures for giving written Notice from the Representation Agreement Act Regulation:

- 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;
- 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.

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### **When does the Resignation take effect?**

The resignation takes effect when Notice is given to everyone required, in one of the ways listed above. You can also list a specific future date in the Notice for when it will take effect.

### **Do I need to give a reason for resigning?**

The law does not require you to state a reason for resigning. However, you may want to add 'for health reasons' or 'for personal reasons.'

### **Do I need a witness when I sign the Notice?**

Although the law does not require it, it may be helpful if you ask someone to witness (watch) you sign and date the Notice of Resignation, and then they can sign it and print their name.

### **Who else needs to be informed about the resignation(s)?**

A copy of the Notice of Resignation should be attached to the original Enduring Power of Attorney and every copy of it. Send a copy of the Notice to any third parties where the EPA document was distributed – for example, to the bank or Credit Union or other financial service or the Land Title Office.

It is also a good idea to register a copy of the Notice with the Nidus Personal Planning 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 EPA, a copy of the Notice of Resignation can be added to the record. Registering the Notice helps you communicate this important information to others. Contact the adult or other person who has access to the Registry Account and ask if they can add the Notice of Resignation. There is a fee of \$10.00 to add this document to the record. Contact [info@nidus.ca](mailto:info@nidus.ca) for more details.

**NOTICE OF RESIGNATION BY ATTORNEY/ALTERNATE  
NAMED IN ENDURING POWER OF ATTORNEY**

***In accordance with Section 25 of  
the Power of Attorney Act, R.S.B.C. 1996, c. 370 as amended,***

I, \_\_\_\_\_  
*(PRINT full name of representative/alternate, as it appears in the Enduring Power of Attorney)*

of \_\_\_\_\_  
*(current address)*

phone \_\_\_\_\_  
*(area code + number)*

**hereby resign as the attorney/alternate named in the Enduring Power of Attorney  
made by**

\_\_\_\_\_  
*(PRINT full name of adult, as it appears on the Enduring Power of Attorney)*

of \_\_\_\_\_  
*(current address)*

phone \_\_\_\_\_  
*(area code + number)*

Enduring Power of Attorney signed on \_\_\_\_\_  
*(Month, day, year, adult signed the Enduring Power of Attorney)*

**This notice is effective immediately and is signed by me, the attorney/alternate, on**

\_\_\_\_\_, 20\_\_\_\_  
*(Current month, day and year)*

\_\_\_\_\_  
*(Your signature, the attorney/alternate)*

*[See the Nidus information sheet on suggestions for delivering the notice to the adult, other attorney(s)/  
alternate(s), and other if necessary.]*