

Guide to applying for Examination and Approval of Trustee's Accounts

How to complete the application forms

Office of the Public Guardian and Trustee
January 15, 2021



Important

Disclaimer

The information in this guide is not legal advice. The information provided in this guide is solely for the user's information and convenience and, while thought to be accurate and functional, it is provided without warranty of any kind. Further, if there is any inconsistency or conflict between any of the information contained in this guide and the applicable legislative requirement, the legislative requirement shall prevail. Her Majesty the Queen in right of Alberta, her agents, employees or contractors will not be liable to you for any damages, direct or indirect, arising out of your use of the information contained in this guide. This guide is current to January, 2021. The law is constantly changing with new legislation, amendments to existing legislation, and decisions from the courts. Please consult an Alberta lawyer or other relevant professionals for further advice.

Copyright and Terms of Use

Under the protection at law, Her Majesty the Queen in right of Alberta owns this material, including copyright and marks under the *Trade Marks Act* (Canada). This material may be used, reproduced, stored or transmitted for non-commercial purposes, however, Crown copyright is to be acknowledged. If it is to be used, reproduced, stored or transmitted for commercial purposes, written consent of the Minister is necessary.

This publication is issued under the Open Government Licence – Alberta (<http://open.alberta.ca/licence>)

Process and Forms

Do not use this guide unless the application is for an examination and approval of trustee's accounts.

The process and forms referred to in this guide are found on our website:

- Information for trusteeship: <https://www.alberta.ca/approval-trusteeship-accounts.aspx>

Forms required to apply for an examination and approval of trustee's accounts:

- Application - Form 14
- Affidavit of Applicant - Form 15
- Statement of Transactions - Form 36
- Inventory - Form 37
- Overview of Trusteeship Accounts - Form 38

Application - Form 14



Application - Form 14

First page

- Court File Number – enter the same court file number that shows at the top of the existing court order.
- Judicial Centre drop-down selection – select the same Judicial Centre that is on the existing court order.
- Adult's Full Name – enter the adult's name the same way it appears on the existing court order.
- Applicant's Name – you are the applicant. Fill in your full legal name. **Use the same full name on all the required documents.**
- Applicant's Address for Service – if you are completing the application without the assistance of a lawyer, check the box next to the first '*This section is not applicable to this application*' and enter your mailing address in the section for a '*Non Lawyer Application*'.

Sections

- 1.1 If you are the current trustee, check Desk unless you want a hearing in court.
- 1.2 Check the box next to Examination and approval of accounts for a Trusteeship Order. Enter the date that the trusteeship order was granted and, if applicable, the most recent date that an examination of trustee's accounts were approved.
- 1.3 Drop-down selection. Pick your relationship to the adult.
2. Information about the adult – Fill out this section. Only fill out the present address if it is different than the permanent address (for example, the adult is currently in a hospital).

Application - Form 14 (cont'd)

- 3.1 Select Yes, check the boxes that apply and fill in the date that the existing order is supposed to be reviewed by. If there is no specific review date, enter "Not Specified".
- 3.2 On this application a 'decision-maker' is a legal term. These are legally recognized decision-makers: guardians, trustees, co-decision makers, and supporters.
 - Click the Add Name button to enter information for each additional person, if needed. Include mailing addresses and email addresses for everyone listed in this section. Indicate the current position(s) for each person.
- 3.3 If needed, click the Add Attorney button for every attorney listed on the adult's enduring power of attorney.
- 3.4 If needed, click the Add Agent button for every agent listed on the adult's personal directive.
- 4.1 If needed, click the Add Family Member button for every living family member over 18 if they match a category.
- 4.2 Complete if applicable.
- 4.3 If needed, click the Add Name button for each interested person to be given notice of this application.
5. This section is not applicable to an application for examination and approval of trustee's accounts.
6. This section is not applicable to an application for examination and approval of trustee's accounts.

Application - Form 14 (cont'd)

- 7.1 Complete this section.
- 7.2 A trustee may request to be compensated for their duties as trustee. If so, this compensation would come from the represented adult's property and the order has to state the courts approval of the 'taking' of that compensation. You may only check **one** of the options. If you check Other, provide information for the Court to consider.
- 7.3 The court has discretion to require a trustee to submit accounts for examination and approval within a specified period of time
- If you do not feel an accounting is necessary, then check off the last box and ensure your affidavit explains why an accounting isn't needed.
- 8.1 Check all that apply.
- 8.2 This section is not applicable to an application for examination and approval of trustee's accounts.
9. This section is about sending notification letters to everyone listed on the application.
- Check '*This section is not applicable to the application*' if notification letters can be sent to all people listed on the application – as usually happens when an application is received. Go to section 10.
 - Do not check '*This section is not applicable to the application*' if – for some reason – you are asking the court to **not** notify a person or persons listed on the application. Complete sections 9.1 and/or 9.2. You will need to explain your reasons in your affidavit.

Application - Form 14 (cont'd)

10.1 Indicate how the costs of the application will be paid.

- Include a court filing fee of \$50.00, in the form of a cheque or money order payable to 'Government of Alberta', unless you are requesting that the costs be paid by the Crown.
- The Crown in right of Alberta may agree to pay a specified amount and reasonable disbursements towards the costs associated with the application if paying the costs is a financial hardship for the adult or the applicant. Provide proof of the hardship in the "Costs" section of your affidavit.

10.2 Complete this item if you have a special request you are making. If you do not have a special request, select No.

Only the applicant is required to sign this form.

Affidavit - Form 15



Affidavit - Form 15

Enter the same information on the top section of the first page that was entered on your application form including the name and address of the applicant.

If you object to swearing an oath for religious reasons, you can affirm that the contents of the affidavit are true. Click on the drop down arrow next to the word 'swear' and select 'affirm'.

Sections

1.1 Do not check any boxes in this section

1.2 Check this box and the box next to Trustee. Also check the box next to Examination and Approval of Trustee's Accounts.

1.3 This is a statement that you will be required to swear or affirm to. No response is needed.

Sections 2 through 9 are not applicable to an application for an examination and approval of trustee's accounts.

10.1 Read and check the boxes next to each of these statements.

10.2 This is a statement that you will be required to swear or affirm to. No response is needed.

10.3 Complete this section as directed.

11 - 13 Complete any of these sections if they are applicable to your application. Otherwise check '*This section is not applicable to the application*'.

Affidavit - Form 15 (cont'd)

14. A Commissioner of Oaths or Notary Public will need to commission this document. **The applicant signs this document in the presence of a Commissioner of Oaths or Notary Public.** The OPGT staff are available to commission and witness signatures on your documents.

Statement of Transactions - Form 36



Statement of Transactions - Form 36

This form is used to show all transactions that have been made during the time period that you are requesting the court to examine and approve. You may choose to use this form **OR** you may choose to submit financial statements that show the same information that is being asked for on this form.

Enter the same information on the top section of the first page that was entered on your application form.

Enter the name and address of each trustee that will be signing this form. Click the Add Trustee button for multiple trustees.

Enter the dates for the accounting period.

Sections:

1 – Bank Account Transactions

- Click on the + and – buttons to add or remove rows in the chart.
- Click of the Add Account button for multiple accounts.

2 – Investment Account Transactions

- Click on the + and – buttons to add or remove rows in the chart.
- Click on the Add Account button for multiple accounts.

3 – Other Transactions

- Click on the + and – buttons to add or remove rows in the chart.

Statement of Transactions - Form 36 (cont'd)

A Commissioner of Oaths or Notary Public will need to commission this document. **The trustee(s) signs this document in the presence of a Commissioner of Oaths or Notary Public.** Click on the Add Signature if there are multiple trustees signing this form. The OPGT staff are available to commission and witness signatures on your documents.

Inventory - Form 37



Inventory - Form 37

This form is used to report the inventory – a listing of all assets and liabilities, income and expenses of the Adult as of a specific, recent date.

Enter the same information on the top section of the first page that was entered on your application form.

Enter the name and address of each trustee that will be signing this form. Click the Add Trustee button for multiple trustees.

Enter the date of the inventory.

Schedules:

You will need to complete Schedules A - F before the summary table on the first page is completed. When completing the form on your computer, the form will do some calculations for you. Some schedules may not apply.

Schedule A – if the adult owns any properties, you need to select Yes and indicate how many properties in the space provided. This will generate the correct number of charts to enter information for each property.

Schedule B – complete Schedules BA and BB. Click on the Add Account and Add Asset buttons for multiple accounts and assets.

Schedule C – click on the Add Other Assets for multiple other assets.

Schedule D – click on the Add Liability for multiple liabilities.

Inventory - Form 37 (cont'd)

Schedule E – use the Other spaces to list any sources of the adult’s income that are not already listed.

Schedule F – use the Other spaces to list any of the adult’s expenses that are not already listed.

When you are attaching bank statements, land title documents or other asset documents you must list these as Exhibits. For example, Exhibit “A” could be a bank statement, Exhibit “B” could be another bank statement or a Title of Land, etc. You would place the appropriate exhibit letter (A, B, C, etc.) at the bottom of the Schedule where it is indicated.

A Commissioner of Oaths or Notary Public will need to commission this document. **The proposed trustee(s) sign this document in the presence of a Commissioner of Oaths or Notary Public.** Click the Add Signature button for multiple trustees. The OPGT staff are available to commission and witness signatures on your documents.

Overview of Trusteeship Accounts - Form 38



Overview of Trusteeship Accounts - Form 38

Enter the same information on the top section of the first page that was entered on your application form.

Enter the name and address of each trustee that will be signing this form. Click the Add Trustee button for multiple trustees.

Enter the dates for the accounting period.

Check the appropriate response that explains the Start Date.

Sections:

1 – Summary of Start Date and End Date Financial Position

- Enter amounts for all of the categories for both the Start Date and the End Date. The End Date would be the same date as the Inventory.

2 – Summary of Assets and Liabilities as of End Date

- Complete all of the charts. Click on the Add Land Asset button for multiple properties and click on the Add Liability button for multiple liabilities.

3 – Summary of Receipts and Disbursements

- You may choose to submit a statement as an Exhibit **OR** you can complete the chart.
- Click on the Add or Remove buttons if there are multiple sources of Pension and Program Benefits.

Overview of Trusteeship Accounts - Form 38 (cont'd)

4 – Summary of Reconciliation of Other Assets and Liabilities

- Amounts will automatically be entered into the charts in this section based on information you already entered. Explain the changes in the amounts in the spaces provided.

5 – Other Matters

- Complete this section.

6 – Proposed Compensation

- Complete this section.

A Commissioner of Oaths or Notary Public will need to commission this document. **The proposed trustee(s) sign this document in the presence of a Commissioner of Oaths or Notary Public.** Click the Add Signature button for multiple trustees. The OPGT staff are available to commission and witness signatures on your documents.

Contact Us



Office of the Public Guardian and Trustee

To submit your completed application documents for processing, please contact the Office of the Public Guardian and Trustee closest to where the Adult lives.

Calgary – (403) 297-3364

Edmonton – (780) 427-0017

Grande Prairie – (780) 833-4319

Lethbridge – (403) 381-5648

Lloydminster – (780) 871-6490

Medicine Hat – (403) 529-3744

Red Deer – (403) 340-5165

St. Paul – (780) 645-6278