

FORM 72A.1

ORDER APPOINTING A COMMITTEE OF BOTH PROPERTY AND PERSONAL CARE

THE QUEEN'S BENCH

_____ Centre

[name of judge]

[Day and date order made]

[Title of Proceeding]

ORDER

[Recital as in Form 59A]

[Note that the Notice of Application must be served on the respondent and his or her relatives of equal or closer relationship than the applicant, unless the court directs otherwise, and the recital should set out the fact of such service. Where the court has dispensed with service on the respondent or relative, then paragraph 9 will be inserted in the order.]

1. THIS COURT DECLARES that the Respondent, because of mental incapacity, is incapable of managing his or her property and of personal care and needs decisions to be made on his or her behalf about that property and concerning personal care.

[AND]

2. THIS COURT ORDERS THAT _____ [name of committee] be and is hereby appointed committee of both property and personal care of the respondent

...upon giving security in the form of a bond, furnished by a person authorized under *The Insurance Act* to enter into a contract of guarantee insurance, in the sum of \$ _____, as approved by the Master.

[OR]

...upon giving security in the form of a personal bond in the sum of \$ _____, with sureties _____ [names of sureties], as approved by the Master.

[OR]

...upon giving security in the form of a personal bond, without sureties, in the sum of \$ _____, as approved by the Master.

[OR]

...without security.

3. THIS COURT ORDERS that the committee file with the court the security required under paragraph 2 prior to exercising any functions as committee (and continue to pay any premiums that are required to maintain any bond in effect, until otherwise ordered by the court or until approval of accounts is given at a final passing of accounts in respect of the committee'ship).

4. THIS COURT ORDERS that the committee immediately take custody or control of all property that is owned by the Respondent or is property of which the Respondent is entitled to have possession and immediately collect in and receive all debts that are owed to the Respondent, and for these purposes all such property and debts are vested in the committee.

[Where application is made for additional powers under section 81:]

5. THIS COURT ORDERS that the committee may exercise, in addition to the powers provided under sections 80 and 90 of the Act,

...all the powers provided under section 81 of the Act.

[OR]

...the following powers under section 81 of the Act: [indicate the powers authorized]

6. THIS COURT ORDERS that the committee,...

...on or before _____ [date] _____,

[OR]

within _____ [a period of days or months] _____ from the date of the signing of this order,

file a duly verified true inventory of the property in the terms and form prescribed under rule 72.03 of the Rules of this court, for approval by the Master.

7. THIS COURT ORDERS that the committee,...

...on or before _____ [date] _____,

[OR]

within _____ [a period of days or months] _____ from the date of the signing of this order,

bring in and pass accounts before the Master and thereafter make a like accounting no later than the 60th day following (each/every second, third,...) anniversary date of the signing of this order, and the Master is authorized by this order to fix the costs of the passing of the accounts, the compensation, if any, to be paid to the committee and the legal fees, if any, to be paid to the lawyer acting on behalf of the committee, and for such purposes the accounts are by this order referred to the Master.

8. THIS COURT ORDERS that security filed with the court under paragraph 2 of this Order shall, upon approval of accounts at a final passing of accounts under paragraph 7 of this Order, be returned to the committee and may be cancelled by the committee.

9. THIS COURT ORDERS that service on the Respondent of a copy of the Notice of Application, the supporting material and a true copy of this order be dispensed with.

10. THIS COURT ORDERS that service of a true copy of this order be made on _____ [names of persons to be served] within _____ days from the date of signing of this order.

11. THIS COURT ORDERS that the costs of and incidental to this application...

...be fixed in the sum of \$ _____ , plus disbursements, to be paid by the committee out of the property of the Respondent.

[OR]

...be assessed at such amount and on such basis as is appropriate in the circumstances, to be paid by the committee out of the property of the Respondent, subject to review by the Master on a passing of accounts under paragraph 7.

[Date]

Judge or Registrar

[Notice to be added at the bottom of covering page]

NOTICE TO THOSE SERVED WITH THIS ORDER:

This order contains provisions requiring the committee to file an inventory of the respondent's property, and to pass his or her accounts before the court at specific intervals.

Any person served with the application for the appointment of a committee is entitled to be given notice by the committee of the motion to the court to pass the accounts. The committee may also request court approval of the proposed compensation for the committee, and approval of the legal fees to be paid to the committee's lawyer, when the accounts are passed.