

DUTIES OF A GUARDIAN IN ONTARIO

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Duties of a Guardian over Personal Care Decisions

Explain to the incapable person what your powers and duties are

Encourage the person to participate, to the best of his or her abilities, in decisions you are making on his or her behalf



Seek to foster regular personal contact between the incapable person and supportive family members and friends of the incapable person

Keep records of decisions that you make on the incapable person's behalf

Consult with supportive family and friends who are in regular personal contact with the incapable person and the persons from whom the incapable person receives personal care



Seek to foster the person's independence

Choose the least restrictive and intrusive course of action that is available and is appropriate in the particular case

Make decisions based on the incapable person's prior capable wishes, if known and applicable to the circumstances, and otherwise based on the person's best interests (as defined by law)



Duties of a Guardian over Property Decisions

Educate yourself on your legal duties
(there is law about giving gifts, supporting dependents, and whether you can get paid, to name a few)

If your decision will have an effect on the incapable person's personal comfort or well-being, you must consider that effect in determining whether the decision is for the incapable person's benefit



Make reasonable efforts to determine whether the incapable person has a will, and if so, what the will says

Keep accounts of all transactions involving the property

Develop a legally-compliant system for keeping records and do it right from day one

If you breach your duties you can be held liable civilly or criminally. Punishment could include fines and imprisonment.

