

Life is unpredictable. You never know if you will one day become incapable of making your own decisions regarding your personal care or property. You are helping yourself and your family prepare if you have completed Power of Attorney (POA) documents.

## Types of Powers of Attorney in Ontario

A POA is a legal document that allows someone, often a friend or family member, to act on your behalf if you are incapable of making decisions. They do not have to be a lawyer to act as your power of attorney. In Ontario, there are two types of POAs that can come into effect if you become incapacitated – a POA for Personal Care and a Continuing POA for Property.

### Power of Attorney for Personal Care

A POA for Personal Care gives your attorney authority to make treatment decisions on your behalf should you become mentally incapable of making them on your own. It also gives your attorney authority to make decisions regarding your housing, clothing, hygiene, and safety. Your attorney must make every effort to follow your wishes about your care and medical treatment. It is important to note that your expressed wishes are for your attorney to follow, but **not** for medical staff to follow. If your specific wishes are not known to your attorney, they must make decisions in your best interests and should consider all of your beliefs and values.

### Powers of Attorney for Property

A Continuing POA for Property gives your attorney authority to manage your money and property on your behalf. For example, your attorney has authority to pay your bills, collect pensions or other income, and monitor your assets. This type of POA can come into effect immediately, or at a future time determined by you, such as your incapacity.

### Can a Power of Attorney be completed after I become incapable?

No. A POA must be completed while you are mentally capable. If you become incapable of making decisions and you do not have a POA, the court may appoint a Guardian to make decisions on your behalf.

## How do I get a Power of Attorney?

A lawyer can prepare a POA for you.

Alternatively, you may download a POA Kit from the Ministry of the Attorney General at: <https://www.attorneygeneral.jus.gov.on.ca/english/family/pgt/poa.pdf> . You can also call, toll-free, 1-800-366-0335 to order a kit.

Whether or not you use this form, it is a good idea to consult a legal professional before you appoint an attorney. If you are low income, your local community legal clinic may be able to help you for free.

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This column, written by staff or volunteer lawyers with the Community Advocacy & Legal Centre (CALC), provides general legal information only about current laws. If you need legal advice you should contact a lawyer. If you are living on a low income you may be eligible for free legal help. Contact your local community legal clinic if you need help with income programs, workers' or tenants' rights, consumer problems, or human rights. Call CALC at 1-877-966-8686 or visit [www.communitylegalcentre.ca](http://www.communitylegalcentre.ca). If you have a criminal, family or immigration law problem, contact Legal Aid Ontario at 1-800-668-8258 or visit [www.legalaid.on.ca](http://www.legalaid.on.ca).

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