

EC2025-1078

**ADULT GUARDIANSHIP AND TRUSTEESHIP ACT
DECLARATION RE**

Under authority of section 88 of *Adult Guardianship and Trusteeship Act* Stats. P.E.I. 2023, c. 11 Council ordered that a Proclamation do issue proclaiming Part 1, Part 2, Part 3, Part 4, Part 5, Part 6, Part 7, and Part 9, sections 70 to 73, sections 75 to 79, and sections 81 to 86 of the said "*Adult Guardianship and Trusteeship Act*" to come into force effective March 30, 2026.

EC2025-1079

**ADULT GUARDIANSHIP AND TRUSTEESHIP ACT
ADULT GUARDIANSHIP AND TRUSTEESHIP REGULATIONS**

Pursuant to section 68 of the *Adult Guardianship and Trusteeship Act* R.S.P.E.I. 1988, Cap. A-4.2, Council made the following regulations:

INTERPRETATION

- 1. "Act" defined**
In these regulations, "**Act**" means the *Adult Guardianship and Trusteeship Act* R.S.P.E.I. 1988, Cap. A-4.2.

REGISTER

- 2. Contents of record – guardianship order**
- (1) For the purposes of clause 12(2)(c) of the Act, the Prothonotary shall maintain a record in respect of each guardianship order in the Register that includes
- (a) the documents filed in support of the application for the guardianship order or review of the guardianship order, including any capacity assessment reports;
 - (b) the date, if any, that the guardianship order shall be reviewed in accordance with the direction of the court; and
 - (c) contact information for the represented person and each guardian appointed under the guardianship order.
- Contents of record – trusteeship order**
- (2) For the purposes of clause 12(2)(c) of the Act, the Prothonotary shall maintain a record in respect of each trusteeship order in the Register that includes
- (a) the documents filed in support of the application for the trusteeship order or review of the trusteeship order, including any capacity assessment reports;
 - (b) the date, if any, that the trusteeship order shall be reviewed in accordance with the direction of the court; and
 - (c) contact information for the represented person and each trustee appointed under the trusteeship order.

Application to foreign order

- (3) For greater certainty, subsections (1) and (2) apply with such modifications as may be required with respect to a foreign order that has been confirmed by the court under section 55 of the Act.

3. Access to information in Register

- (1) A person described in subsection 12(4) or (5) of the Act shall, subject to this section, have access to information from the Register.

Requirements respecting access – clauses 12(2)(a) and (b) of Act

- (2) A person described in subsection 12(4) of the Act may have access to information from the Register specified in clauses 12(2)(a) and (b) of the Act if
- (a) the person has
 - (i) identified the individual that the person believes is or may be the subject of a guardianship or trusteeship order,
 - (ii) identified the information that the person is requesting, and
 - (iii) identified that the requested information from the Register is for the purposes of making an application under the Act; and
 - (b) the Prothonotary is satisfied that the person or body has a legitimate interest
 - (i) in determining whether an individual is the subject of a guardianship or trusteeship order,
 - (ii) in being advised of the terms of an order referred to in subclause (i) or an order made on review of an order referred to in subclause (i), or
 - (iii) in being provided with contact information for a guardian or trustee of a represented person.

Requirements respecting access – subsection 12(5) of Act

- (3) A person described in subsection 12(5) of the Act may have access to specified information from the Register if
- (a) the person has
 - (i) provided evidence satisfactory to the Prothonotary that the person is a person described in subsection 12(5) of the Act, and
 - (ii) identified the information that the person is requesting; and
 - (b) the Prothonotary is satisfied that the person requesting information from the Register is a person described in subsection 12(5) of the Act.

Request for access to information by others

- (4) Subject to subsection (5) and any express provisions to the contrary in a guardianship or trusteeship order, a person or body who is not entitled to access to information in the Register under subsection (2) or (3) may request access to information in the Register specified in clauses 12(2)(a) and (b) of the Act or contact information for a guardian or trustee of a represented person.

Disclosure of information by Prothonotary

- (5) The Prothonotary may disclose information to a person or body referred to in subsection (4) only where
- (a) the person or body has
 - (i) identified the individual that the person or body believes is or may be the subject of a guardianship or trusteeship order,
 - (ii) identified the information that the person or body is requesting, and
 - (iii) set out the person's or body's reasons for requesting the information; and
 - (b) the Prothonotary is satisfied that the person or body has a legitimate interest
 - (i) in determining whether an individual is the subject of a guardianship or trusteeship order,
 - (ii) in being advised of the terms of an order referred to in clause (i) or an order made on review of an order referred to in clause (i), or
 - (iii) in being provided with contact information for a guardian or trustee of a represented person.

4. Disclosure by Public Guardian and Trustee

The Public Guardian and Trustee may disclose information from the Register to any person or body, including personal information, where the disclosure relates to the exercise of powers or carrying out of duties of the of the Public Guardian and Trustee under the Act or another enactment.

GENERAL PROVISIONS**5. Notice of application in respect of minor**

Where an application for a guardianship order or trusteeship order is made in respect of a person who is not an adult in accordance with subsection 3(2) of the Act, notice of the application shall be personally served on

- (a) the persons referred to in subsection 14(4) or subsection 30(4) of the Act, as the case may be; and
- (b) each parent or other person having decision-making responsibility in respect of the person under the *Children's Law Act* R.S.P.E.I. 1988, Cap. C-6.1.

6. Criminal Code offences

For the purposes of clauses 14(3)(b), 23(7)(b), 30(3)(c) and 39(8)(c) of the Act, the following criminal offences are prescribed:

- (a) an offence described in Part VIII of the *Criminal Code* (Canada) relating to an assault [sections 265 – 270], sexual assault [sections 271 – 273] or other acts of violence [sections 279 – 283], intimidation [section 423], criminal harassment [section 264] or uttering threats [section 264.1];
- (b) an offence described in section 322 or sections 330 to 332 of the *Criminal Code* (Canada) relating to theft;
- (c) an offence described in Part X of the *Criminal Code* (Canada) relating to fraud;
- (d) an offence described in section 336 of the *Criminal Code* (Canada) relating to criminal breach of trust.

7. Evidence to be provided to Registrar

The evidence to be provided to the Registrar under subsection 20(5) or 36(5) of the Act is

- (a) in the case of the death of the previous guardian or previous trustee, a copy of the death certificate or funeral director's certificate respecting the previous guardian or previous trustee;
- (b) in the case of the appointment of a guardian or trustee for the previous guardian or previous trustee, a copy of the guardianship or trusteeship order; or
- (c) in the case of the coming into effect, because of the previous guardian's or previous trustee's incapacity, of
 - (i) a personal directive made by the previous guardian or previous trustee, a copy of the notice of acting given in accordance with section 33 of the *Powers of Attorney and Personal Directives Act* R.S.P.E.I. 1988, Cap. P-16.1, respecting the previous guardian or previous trustee, or
 - (ii) an enduring power of attorney made by the previous guardian or previous trustee, a copy of the notice of acting given in accordance with section 33 of the *Powers of Attorney and Personal Directives Act* respecting the previous guardian or previous trustee.

8. Records to be kept by trustee

For the purposes of section 45 of the Act, a trustee shall maintain at least the following accounting information:

- (a) a list of the represented person's property and liabilities, including, from the date of the trustee's appointment forward,
 - (i) the value or an estimate of the value of each item of property and the name of any co-owner, and

- (ii) the amount or an estimate of the amount of each liability;
- (b) a list of the represented person's sources of income from the date of the trustee's appointment forward and, for each source of income,
 - (i) the amount of any payments received, and
 - (ii) the dates on which any payments were received;
- (c) where a trustee has invested a represented person's funds in accordance with a trusteeship order, a statement of
 - (i) all money invested,
 - (ii) all money received by way of repayment of or realization upon the investments, in whole or in part, and
 - (iii) the balance of the remaining investments;
- (d) a list of any gifts given by the trustee on behalf of the represented person since the trustee's appointment and, for each gift,
 - (i) the date the gift was given,
 - (ii) the reason for the gift,
 - (iii) the amount or value of the gift, and
 - (iv) the name of the gift's recipient;
- (e) a statement of any money paid to a trustee by a trustee since the trustee's appointment, including
 - (i) the date the money was paid,
 - (ii) the amount,
 - (iii) the recipient,
 - (iv) a description of the reason for payment, and
 - (v) where the money was paid as reimbursement for an expense, a description of the expense being reimbursed;
- (f) a list of decisions made, actions taken, and consents given by the trustee in respect of the represented person;
- (g) all bank statements, invoices, bills, correspondence and other records necessary to provide a complete account of the actions taken by the trustee in relation to the represented person's property and financial affairs during the accounting period, including acquiring or disposing of property, discharging or incurring liabilities and receiving, paying, giving or transferring money.

9. Requirements respecting accounting

For the purposes of section 45 of the Act, an accounting shall be in writing and, subject to the extent of the trustee's authority under the trusteeship order, include the information referred to in section 8 for the period referred to in subsection 45(8) of the Act.

10. Fee schedule

- (1) The fee schedule prescribed for the purposes of subsection 47(2) of the Act is set out in the Schedule to these regulations.

Election respecting compensation

- (2) A trustee may elect to be compensated in accordance with the fee schedule under subsection 47(2) of the Act by making the election in the form and manner required by the Prothonotary.

11. Application under section 62 of Act

- (1) Subject to subsection (2), an applicant for an order under the Act may apply to have the court consider and determine the application in the absence of the applicant and any other person in accordance with section 62 of the Act.

Conditions

- (2) The court may consider and determine the application in the absence of the applicant and any other person in accordance with section 62 of the Act where
 - (a) the application for the order has been served in accordance with the Act and the Rules of Civil Procedure, and the court finds that no person who is required to be served with notice of the application has, within 30 days

after receipt of the notice, requested a hearing by filing a notice to that effect with the court; or

- (b) the court has dispensed with service under the Act.

12. Service of notice of appeal

- (1) A person appealing an order under the Act to the Court of Appeal shall serve the notice of appeal on
 - (a) the person who is the subject of the order;
 - (b) any guardian or trustee for the person who is the subject of the order;
 - (c) any attorney acting under an enduring power of attorney for the person who is subject of the order;
 - (d) where the person who is the subject of the order has made a personal directive, the agent designated in the personal directive; and
 - (e) any other persons a judge of the Court of Appeal may direct.

Time for service

- (2) The notice of appeal shall be served within the time prescribed by the Rules of Civil Procedure for service of a notice of appeal in an appeal to the Court of Appeal.

13. Payment of costs by Government

- (1) For the purposes of subclause 66(a)(i) of the Act, the court or the Court of Appeal may order costs in respect of an application made under the Act to be paid by the Government only if
 - (a) the application specifically indicates that costs against the Government will be sought; and
 - (b) the court or Court of Appeal, as the case may be, is satisfied that it would be a hardship to order the costs to be paid by the person making the application, the person in respect of whom the application is made or the estate of the person in respect of whom the application is made.

Limit respecting order for costs

- (2) An order for costs in respect of an application under the Act to be paid by the Government shall not exceed an amount equivalent to the fee payable pursuant to the *Court Fees Act* R.S.P.E.I. 1988, Cap. C-27.001, for the filing of the Notice of Application in the matter that is before the court.

14. Application of Rules of Civil Procedure, etc.

In any matter not provided for in the Act or the regulations made under the Act, the court may follow the Rules of Civil Procedure and the procedures of the court.

COMMENCEMENT

15. Commencement

These regulations come into force on March 30, 2026.

SCHEDULE

FEE SCHEDULE

1. The compensation that is payable to a trustee or trustees under subsection 47(2) of the Act for a period is determined by the following formula:

$$A+B=C$$

where

- A is 2.5% of the money received by the trustee or trustees on behalf of the represented person during the period;
B is 2.5% of the payments made by the trustee or trustees on behalf of the represented person during the period;
C is the compensation payable to the trustee or trustees.

2. (1) The amount determined in accordance with section 1 is the total compensation payable to the trustee or trustees.

- (2) Where there is more than one trustee, the amount determined under section 1 shall be divided among the trustees
- (a) equally;
 - (b) as agreed by the trustees; or
 - (c) as determined by the Prothonotary.

EC2025-1080

ADULT GUARDIANSHIP AND TRUSTEESHIP ACT
CAPACITY ASSESSMENT REGULATIONS

Pursuant to section 68 of the *Adult Guardianship and Trusteeship Act* R.S.P.E.I. 1988, Cap. A-4.2, Council made the following regulations:

- 1. Definitions**
- In these regulations,
- (a) “**Act**” means the *Adult Guardianship and Trusteeship Act* R.S.P.E.I. 1988, Cap. A-4.2;
 - (b) “**regulatory body**” means,
 - (i) with respect to medical practitioners, the College of Physicians and Surgeons of Prince Edward Island, and
 - (ii) with respect to nurse practitioners, the College of Registered Nurses and Midwives of Prince Edward Island.
- 2. Qualified practitioners**
- For the purposes of clause 1(z) of the Act, and in addition to medical practitioners, a nurse practitioner as defined in clause 1(e) of the *Registered Nurses and Psychiatric Nurses Regulations* under the *Regulated Health Professions Act* R.S.P.E.I. 1988, cap. R-10.1, is a qualified practitioner.
- 3. Prescribed form**
- The prescribed form of the capacity assessment report is that set out in the Schedule to these regulations.

4. Applicable rules

- (1) The following rules apply to capacity assessments:
- (a) a capacity assessment may be conducted only if the need for a capacity assessment has been established by the person requesting it;
 - (b) a person has the right to refuse to undergo or continue with a capacity assessment;
 - (c) subject to subsection (3), a person has the right to have another person present for the purposes of assisting the person in feeling comfortable and relaxed when undergoing a capacity assessment;
 - (d) a person has the right to have the assistance of an interpreter or the use of a device to assist the person to communicate in order for the person to be able to fully demonstrate the person's capacity;
 - (e) a person shall be given the opportunity to undergo a capacity assessment at a time when and under circumstances in which the person will be likely to be able to demonstrate the person's full capacity;
 - (f) a qualified practitioner shall make reasonable efforts to obtain any information that is relevant to the assessment of a person's capacity.

Guidelines

- (2) The Minister may, in consultation with a regulatory body, establish guidelines that do not conflict with these regulations respecting minor or administrative matters in the conduct of capacity assessments.

Rules applicable to person assisting

- (3) A person who is present at a capacity assessment for the purposes of assisting another person to communicate or feel relaxed
- (a) shall comply with any directions of the qualified practitioner; and
 - (b) may be asked to leave by the qualified practitioner if the person does not comply with a direction under clause (a).

5. Conduct of capacity assessment

- (1) A capacity assessment relating to guardianship or trusteeship shall be conducted in accordance with this section, section 4 and any guidelines established by the Minister.

Preliminary duties of requesting person

- (2) When a capacity assessment is requested for a person, the person requesting it shall advise the qualified practitioner of the reasons why the capacity assessment has been requested and provide the practitioner with a description of any event that gave rise to the request for the capacity assessment.

Preliminary duties of qualified practitioner

- (3) Before conducting a capacity assessment for a person, a qualified practitioner shall make reasonable efforts to
- (a) meet with the person; and
 - (b) unless the level of consciousness of the person is non-responsive, explain to the person
 - (i) the purpose and nature of the capacity assessment,
 - (ii) that the person has the right to refuse to undergo the capacity assessment or refuse to continue with the capacity assessment at any point during the capacity assessment,
 - (iii) that the person has the right to have another person present for the purposes of assisting the person to feel comfortable and relaxed when undergoing the capacity assessment,
 - (iv) that the person has the right to have the assistance of an interpreter or a device to assist the person to communicate in order to be able to fully demonstrate the person's capacity during the capacity assessment, and
 - (v) the significance and effect of a finding that the person does not have the capacity to make a decision respecting personal matters or financial matters.

Duties when assessing capacity

- (4) In conducting a capacity assessment for a person, a qualified practitioner shall

- (a) unless the level of consciousness of the person is non-responsive, ask the person if there have been any significant changes recently in the person's beliefs and values related to making decisions about the matters being assessed, and
- (b) if the person requests, or it appears to the qualified practitioner that the person needs, the assistance of a person or the use of any device to undergo the capacity assessment, including, without limitation,
 - (i) the assistance of an interpreter or device to communicate, or
 - (ii) the assistance of another person to be comfortable and relaxed,
 ensure that the assisting person is present and able to assist or that the interpreter or device is provided.

Applicable conditions for conduct of capacity assessment

- (5) A qualified practitioner may conduct a capacity assessment for a person only if the person has not refused to undergo or continue with the capacity assessment and,
 - (a) in the opinion of the qualified practitioner, the person
 - (i) understands the purpose of the capacity assessment and that the person has the right to refuse to undergo or continue with the capacity assessment,
 - (ii) appears to be capable of consenting to the capacity assessment, and
 - (iii) has consented to the capacity assessment; or
 - (b) in the opinion of the qualified practitioner,
 - (i) the person appears not to be capable of consenting to the capacity assessment, and
 - (ii) it is in the best interests of the person to conduct the capacity assessment.

Effect of refusal

- (6) Where a person refuses to undergo a capacity assessment or refuses to continue with a capacity assessment at any point during the capacity assessment, the qualified practitioner
 - (a) shall not take any further steps with respect to the capacity assessment other than to note on the capacity assessment report that the person has refused to undergo or continue with the capacity assessment;
 - (b) shall immediately leave the person's residence, if the qualified practitioner has attended at the person's residence to conduct the capacity assessment; and
 - (c) shall notify the person who has requested the capacity assessment that the person refused to undergo or continue with the capacity assessment.

Criteria to be applied

- (7) When conducting an assessment of a person's capacity to make decisions about personal matters or financial matters, the qualified practitioner shall
 - (a) consider the person's ability to
 - (i) understand the information that is relevant to a decision, and
 - (ii) appreciate the reasonably foreseeable consequences of a decision and a failure to make a decision; and
 - (b) form an opinion about whether the person has the capacity to make decisions about personal matters or financial matters.

Factors to be considered

- (8) In forming an opinion under subsection (7), the qualified practitioner shall take into account
 - (a) whether the person has the ability to retain information that is relevant to making decisions; and
 - (b) any other factors the qualified practitioner considers relevant.

Effect of service of application on person

- (9) Where a qualified practitioner conducts a capacity assessment in respect of an application for a guardianship order or a trusteeship order, the qualified practitioner shall also form an opinion as to whether serving the person with an application for the guardianship order or trusteeship order is likely to cause harm to the person.

Further considerations

- (10) Where the qualified practitioner is of the opinion that the person does not have the ability to do the things referred to in subsection (7), the qualified practitioner shall
- (a) consider whether the person is likely to regain some or all of the person's capacity to make decisions about personal or financial matters and, if so, the time at which the adult is likely to regain capacity; and
 - (b) if the qualified practitioner believes that the person is likely to regain some or all of the person's capacity to make decisions about personal or financial matters, include in the capacity assessment report a recommendation that a further capacity assessment of the person be conducted, including the period within which it should be conducted.

Temporary protection order

- (11) Subsections (1) to (8) and (10) apply, with any necessary modifications, to a capacity assessment that is conducted for the purposes of an application for a temporary protection order under section 64 of the Act.

6. Capacity assessment report

A capacity assessment report shall contain the information required in the form set out in the Schedule to these regulations.

7. Commencement

These regulations come into force on March 30, 2026.

SCHEDULE

CAPACITY ASSESSMENT REPORT

Complete this form to report on the assessment of a person’s capacity under the *Adult Guardianship and Trusteeship Act* if you are a qualified practitioner under the Act and regulations.

QUALIFIED PRACTITIONER

I, (name of qualified practitioner), am authorized under the *Adult Guardianship and Trusteeship Act* to complete this capacity assessment report, as a medical practitioner or nurse practitioner.

PERSON BEING ASSESSED

The person being assessed is (Person’s name, hereinafter the “Person”)

The Person’s current address

The Person’s date of birth:

The Person’s Personal Health Number (PHN):

PERSON’S CIRCUMSTANCES

Birthplace:

Education:

Occupation:

Languages:

Living situation (e.g. at home, group home, community care, etc.):

Living conditions (e.g. describe Person’s living conditions, and any concerns for safety and well-being in current living conditions:

Caregiver information (if applicable):

COMMUNITY AND SOCIAL SERVICE RESOURCES

Health/social service professional involved with Person (if applicable):

Name: Profession/title: Phone number:

Name: Profession/title: Phone number:

Name: Profession/title: Phone number:

Name: Profession/title: Phone number:

Community and family supports (if applicable):

Name: Relationship: Phone number:

Support offered to individual:

Name: Relationship: Phone number:

Support offered to individual:

Name: Relationship: Phone number:

Support offered to individual:

Name: Relationship: Phone number:

Support offered to individual:

PURPOSE

The reasons for or circumstances related to this assessment are:
.....
.....
.....

The person who requested this assessment (if not the Person, provide name and relationship to the Person):

.....
(name); and
..... (relationship to the Person, if applicable).

Has this assessment been ordered by the court? Yes: No:

Date of Capacity Assessment:
At the time of the Capacity Assessment, the Person was (check one):
Alert;
Fluctuating; or
Non-responsive
Provide comments:
.....
.....

PRE-ASSESSMENT NOTIFICATIONS

Prior to conducting this capacity assessment (please initial):
 • I met with the Person; or
 • I could not meet with the Person, but I made reasonable efforts to meet with the Person.
Reasonable efforts made:
.....
.....

Unless the level of consciousness was non-responsive, I explained to the Person
 • The purpose and nature of the capacity assessment;
 • That the Person has the right to refuse to undergo the capacity assessment or refuse to continue with the capacity assessment at any point during the capacity assessment;
 • That the Person has the right to have another person present for the purposes of assisting the person to feel comfortable and relaxed when undergoing the capacity assessment;
 • That the Person has the right to have the assistance of an interpreter or a device to assist the person to communicate in order to be able to fully demonstrate the Person’s capacity during the capacity assessment; and
 • The significance and effect of a finding that the Person does not have the capacity to make a decision respecting personal matters or financial matters.

Unless the level of consciousness was non-responsive, I determined whether it was necessary for the Person to have, or whether the Person is requesting, the assistance of a person or the use of any device to undergo the capacity assessment, including, without limitation,
 • the assistance of an interpreter or device to communicate, or
 • the assistance of another person to be comfortable and relaxed.

Unless the level of consciousness was non-responsive, I asked the Person if there have been any significant changes recently to the Person’s beliefs and values related to making decisions about the matters being assessed.

Description of significant changes (if applicable):
.....
.....

ASSISTANCE INFORMATION

Language used to complete capacity assessment:
If applicable, provide details on the assistance of an interpreter or device to help the Person communicate:
.....
.....

If applicable, provide details on the assistance of another person to help the Person to be comfortable and relaxed, including the name of the person providing assistance and the relationship to the Person:

.....
.....

MEDICAL INFORMATION

Current medical or psychiatric diagnoses if available (mental health, medical, surgical):
.....
.....

Prognoses (mental health, medical, surgical):
.....
.....

ASSESSMENT INSTRUMENTS (if applicable)

Examples: Mini Mental State Examination (MMSE), Montreal Cognitive Assessment (MOCA), Geriatric Depression Scale (GDS), InterRAI Assessment Instrument

Instrument used:
Date instrument used:
Instrument conducted by:
Results/comments:
.....

Instrument used:
Date instrument used:
Instrument conducted by:
Results/comments:
.....

Instrument used:
Date instrument used:
Instrument conducted by:

Results/comments:
.....

ADDITIONAL INFORMATION (if applicable)

Name/Source:
Profession:
Relationship:

Name/Source:
Profession:
Relationship:

Name/Source:
Profession:
Relationship:

Additional information obtained from above sources:
.....
.....
.....

ASSESSMENT OF CAPACITY ABOUT PERSONAL MATTERS – GUARDIANSHIP

The *Adult Guardianship and Trusteeship Act* defines capacity to mean, in respect of the making of a decision about a matter, the ability of the Person, independently or with assistance, to understand the information that is relevant to the decision and to appreciate the reasonably foreseeable consequences of a decision and the failure to make a decision.

I understand that in assessing the capacity of the Person to make decisions about personal matters, “personal matters” means any matter, except a financial matter, relating to the Person, including the personal matters listed below.

I have assessed the capacity of the Person to make decisions about the following personal matters, and my opinion respecting the Person’s capacity to make decisions about the following personal matters is indicated below:

Capacity Y/N	Personal matter assessed	Reason for opinion on capacity about specific personal matter
	Health care	
	Basic needs, including nutrition, clothing and personal care	
	Where, with whom and under what conditions the Person is to live, either permanently or temporarily	
	With whom the Person may associate	
	The Person’s participation in social activities	
	The Person’s participation in any educational, vocational or other training	
	The Person’s employment	
	Commencing, continuing or defending a legal proceeding	

General reasons for opinion on capacity (mandatory)

The reason(s) for my opinion on capacity about personal matters:

.....

.....

.....

Where I have indicated above that, in my opinion, the Person does not have capacity to make decisions about one or more personal matters, I have considered whether the Person is likely to regain some or all of the capacity to make decisions about the matter(s) and I believe the Person

..... will likely regain capacity, in full or in part, to make decisions about the personal matter(s).

..... will likely not regain capacity, in full or in part, to make decisions about the personal matter(s).

IF THE PERSON WILL LIKELY REGAIN CAPACITY, IN FULL OR IN PART, PLEASE COMPLETE:

The Person will likely gain capacity, in full or in part, to make decisions about the personal matter(s)
Within an estimated time period:
On the happening of an event:
.....
.....
.....

Other comments (if any):
.....
.....
.....

ASSESSMENT OF CAPACITY ABOUT FINANCIAL MATTERS - TRUSTEESHIP

The *Adult Guardianship and Trusteeship Act* defines capacity to mean, in respect of the making of a decision about a matter, the ability of the Person, independently or with assistance, to understand the information that is relevant to the decision and to appreciate the reasonably foreseeable consequences of a decision and the failure to make a decision.

I understand that in assessing the capacity of the Person to make decisions about financial matters, “financial matters” means any matter related to the acquisition, disposition, management and protection of the Person’s property.

Specifically, I have assessed the capacity of the Person to make decisions about the following financial matters, and my opinion respecting the Person’s capacity to make decisions about the following financial matters is indicated below:

Capacity Y/N	Financial matter assessed	Reason for opinion on capacity about specific personal matter
	The Person’s personal property (e.g. vehicle, cell phone, etc.)	
	The Person’s real property (e.g. house or land)	
	The Person’s trade or business	
	Transfer of the Person’s property to another person	
	Performance of a contract	
	Commencing, continuing or defending a legal proceeding	

General reasons for opinion on capacity (mandatory)
The reason(s) for opinion on capacity about financial matters:
.....
.....
.....

Where I have indicated above that, in my opinion, the Person does not have capacity to make decisions about financial matters, I have considered whether the Person is likely to regain some or all of the capacity to make decisions about financial matters and I believe the Person:

..... will likely regain capacity, in full or in part, to make decisions about the financial matter(s).
..... will likely not regain capacity, in full or in part, to make decisions about the financial matter(s).

IF THE PERSON WILL LIKELY REGAIN CAPACITY, IN FULL OR IN PART, PLEASE COMPLETE:

The Person will likely gain capacity, in full or in part, to make decisions about the financial matters(s)
Within an estimated time period:
.....
On the happening of an event:
.....
Other comments, if any:.....
.....
.....
In my opinion, if the Person is notified of the application for Guardianship or Trusteeship
..... there is risk of harm to the Person.
..... there is no risk of harm to the Person.

Reasons:
.....
.....

The Person has expressed a preference for a specific individual for guardianship or trusteeship:
..... Yes
..... No

If Yes, details are:
.....
.....

Comments and Additional Notes (optional):
.....
.....
.....

.....
Signature of Qualified Practitioner
.....
Date

EC2025-1081

EXECUTIVE COUNCIL ACT
 MINISTER OF ECONOMIC DEVELOPMENT, INNOVATION AND TRADE
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (CANADIAN MUTUAL RECOGNITION AGREEMENT
 ON THE SALE OF GOODS)
 WITH
 THE GOVERNMENTS OF CANADA, THE PROVINCES
 AND THE TERRITORIES

Pursuant to clauses 10(a) and (b) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Economic Development, Innovation and Trade, to enter into an Agreement with the Government of Canada, the Governments of the other Provinces and the Territories to enter into negotiations to reconcile regulatory measures that act as a barrier to trade, investment, or labour mobility within Canada, effective upon signing, such as more particularly described in the draft agreement.

EC2025-1082

LEGAL PROFESSION ACT
 KING'S COUNSEL
 APPOINTMENT
 OF
 R. BRENDAN HUBLEY

Council, pursuant to subsection 34(1) of the *Legal Profession Act* R.S.P.E.I. 1988, Cap. L-6.1, ordered that Letters Patent under the Great Seal of the Province be issued to appoint R. Brendan Hubley of Summerside, Prince Edward Island as His Majesty's Counsel learned in the law of Prince Edward Island, effective November 18, 2025.

EC2025-1083

LEGAL PROFESSION ACT
 KING'S COUNSEL
 APPOINTMENT
 OF
 RYAN P. MACDONALD

Council, pursuant to subsection 34(1) of the *Legal Profession Act* R.S.P.E.I. 1988, Cap. L-6.1, ordered that Letters Patent under the Great Seal of the Province be issued to appoint Ryan P. MacDonald of Cornwall, Prince Edward Island as His Majesty's Counsel learned in the law of Prince Edward Island, effective November 18, 2025.

EC2025-1084

PUBLIC GUARDIAN AND TRUSTEE ACT
 DECLARATION RE

Under authority of section 45 of *Public Guardian and Trustee Act* Stats. P.E.I. 2023, c. 35 Council ordered that a Proclamation do issue proclaiming the said "*Public Guardian and Trustee Act*" to come into force effective March 30, 2026.

EC2025-1085

PUBLIC GUARDIAN AND TRUSTEE ACT

PUBLIC GUARDIAN AND TRUSTEE REGULATIONS

Pursuant to section 28 of the *Public Guardian and Trustee Act* R.S.P.E.I. 1988, Cap. P-29.2, Council made the following regulations:

1. Definitions

- (1) In these regulations,
- (a) “**Act**” means the *Public Guardian and Trustee Act* R.S.P.E.I. 1988, Cap. P-29.2;
- (b) “**fiscal year**” means, subject to subsection (2), the period beginning on January 1 in a year and ending on December 31 in the same year.

Determination of value

- (2) For the purposes of these regulations, the value of the assets of an estate or trust under the control of the Public Guardian and Trustee on a particular date shall be determined on the basis of their value recorded on the books of the Public Guardian and Trustee as of that date.

Partial charges

- (3) In these regulations, a fee that may be charged per hour or per fiscal year may be charged on the basis of a partial hour or partial fiscal year, as the case may be.

Commission under *Probate Act*

- (4) Nothing in these regulations shall be construed so as to prevent the Public Guardian and Trustee from being entitled to remuneration under section 11 of the *Probate Act* R.S.P.E.I. 1988, Cap. P-21.

2. Prescribed amount – transfer of child’s property to parent

- (1) For the purposes of clause 9(1)(b) of the Act, the prescribed amount is \$2,500.

Prescribed amount – transfer of property to personal representative, etc.

- (2) For the purposes of subsection 10(2) of the Act, the prescribed amount is \$16,000.

3. Annual management fee

- (1) The Public Guardian and Trustee may, subject to subsection (2), charge an estate or trust a fee for each fiscal year that the Public Guardian and Trustee manages the estate or trust as follows:

Value of Assets of Estate or Trust as of January 1 of Fiscal Year	Annual Management Fee (Maximum)
1. From 0 to \$10,000	\$100
2. From \$10,001 to \$50,000	\$300
3. From \$50,001 to \$100,000	\$600
4. From \$100,001 to \$150,000	\$900
5. From \$150,001 to \$250,000	\$1,500
6. From \$250,001 to \$500,000	\$2,500
7. From \$500,001 to \$1,000,000	\$3,500
8. More than \$1,000,000	\$10,000

When management fee may be charged

- (2) A fee referred to in subsection (1) shall be charged before the end of the subsequent fiscal year.

4. Fees, tax returns

The Public Guardian and Trustee may charge

- (a) up to \$100 for filing a tax return for an estate; and
- (b) up to \$30 for filing a tax return for a person.

5. Inspection fees

The Public Guardian and Trustee may charge the following amounts for an inspection of the assets of an estate or trust:

- (a) up to \$60 per hour for the inspection;
- (b) up to \$40 per hour for travel time to and from the inspection;
- (c) mileage at the applicable Government rate.

6. Disbursements and expenses

Where disbursements are made or expenses are incurred by the Public Guardian and Trustee on behalf of an estate or trust, the amount of the disbursements or expenses may be charged against the estate or trust.

7. File closing fee

The Public Guardian and Trustee may charge up to \$100 for closing a file.

8. Revocation

The *Public Trustee Act* Fees Regulations (EC257/05) are revoked.

9. Commencement

These regulations come into force on March 30, 2026.