Procedures for Resigning as a Representative or Alternate Named in a Representation Agreement

Sample form on last page

Who would resign from a Representation Agreement?

A representative, alternate and/or monitor can resign from a Representation Agreement (RA).

Resignation is for permanent situations. For temporary absences (like cancer treatments, illness or vacation) when you might return — see information on Confirmation of Substitution at Related Forms.

This information is about the procedures for a representative or alternate to resign.

If a monitor is resigning, there are different procedures and requirements, click Related Forms.

How do I resign as a representative (or alternate)?

The BC Representation Agreement Act (RA Act) spells out procedures for resigning from an RA in section 19.1. Check if the RA you are named in has additional procedures for resigning.

A resignation requires giving Notice (communicating) in writing (not by a verbal statement). The legal procedures require that the Notice of Resignation be given to specific people. This is explained under a later heading.

If you do not follow the procedures outlined in the legislation (and others listed in the RA) your resignation may not be valid and you may be responsible for not acting when needed.

When is resignation not required?

If the adult revokes (cancels) the RA, then usually all authorities given in it are ended. It would not be necessary for those named as representative, alternate representative, or monitor to resign. See Revoking an RA.

Do I need to give a reason for resigning?

The law does not require you to state a reason for resigning. However, if asked, people often say 'for health reasons' or 'for personal reasons.'

What is the effect of a resignation by a representative or alternate?

The effect of a resignation depends on the wording in the Agreement. Generally, if another representative or an alternate is named in the Agreement, the Agreement may continue. However, problems can arise if the Agreement requires representatives to act together (jointly).

If an Agreement is ended due to a resignation, the adult would sign a Notice of Revocation and make a new RA. See heading on page 2 for where to find more resources.

What does a Notice of Resignation look like?

See the sample on last page for an example of a Notice of Resignation. You may use or adapt it.

Is a witness required when I sign the Notice?

Although it is not required by the law, it may be helpful to ask someone to witness (watch) you sign and date the Notice of Resignation. After you sign, the witness can sign the Notice and print their name and contact information.

What if I don't know the date the RA was made?

If you don't have the RA and don't remember when you signed it use general wording. For example, on the sample form: *I hereby resign from a Representation Agreement made on* "before [current date]."

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Who do I give the Notice of Resignation to?

In order for your resignation as a representative or alternate to be valid, you must give a signed and dated copy of the Notice of Resignation to:

1. The adult (who the Agreement belongs to), and
2. Each representative named in the Agreement (other than yourself if you are a representative), and
3. Each alternate named in the Agreement (other than yourself if you are an alternate), and
4. The monitor (if one is named).

It is a good idea to keep proof that you delivered (see next) the Notice to those required.

How do I deliver the Notice of Resignation?

In order to be valid, section 6 of the Representation Agreement Regulation says you must give a copy of the Notice of Resignation to each person (see list above) in one of the following ways. (Please note that email is NOT currently one of the ways).

- By registered mail to the person's last known address; or
- By leaving it:
  - with the person, or
  - at the person's address, or
  - with an adult who appears to reside with the person; or
- If the person operates a business, at the business, with an employee of the person; or
- By transmitting it by fax to the person with the number they provided for notification purposes.

The law does not say you must get confirmation that the notice was received. Keep a record to prove that it was delivered/sent as required.

When does the Resignation take effect?

The resignation takes effect on the date when Notice is given to everyone required in one of the required ways. Or, you can put a future date in the Notice for when the revocation takes effect.

Who else needs to be informed about the resignation? Some tips.

Do NOT cross out names on the original Representation Agreement, instead keep a copy of the Notice of Resignation with the original. Changes can be made on future photocopies of the original.

It is a good idea to send a copy of the Notice to any third parties where the RA has been distributed – for example, to the bank, health care provider, or government agencies.

Keep your own copy of the Notice of Resignation, you might need it later.

It is also a good idea to register a copy of the Notice with the Nidus Registry. One of the challenges when resigning from your role in a legal document is how to let third parties (banks, government agencies, etc.) know about it. Registering the resignation helps with communication.

If the adult has set up a Nidus Registry Account and you or someone authorized has the required information to Log In, the Notice of Resignation can be registered. There is a fee to register.

If you are not able to register the Notice of Resignation in the adult's Nidus Registry Account, you can request help from the Nidus Registry staff to register it. Email a copy of the Notice to registry@nidus.ca If there is no existing account for the adult; it will not be registered and no fee.

Where to find more resources?

The Nidus Resource Centre has lots of free information on the website at nidus.ca

- To make changes, revoke or resign go to Related Forms
- To make a Representation Agreement, go to RA Forms Scroll down to RA7ALL, or RA7H+P etc. There are two buttons to click/download for each type of Agreement. (Be sure to see page 2 at the first download button.)
- How to Register

Nidus Personal Planning Resource Centre and Registry, 2024-25.
email | web info@nidus.ca | nidus.ca

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Nidus Registry website
https://nidusregistry.ca/
Registry support: registry@nidus.ca

To use this sample, type in fields and print this page for signing, or print this page and handwrite in fields, then sign.

NOTICE OF RESIGNATION BY REPRESENTATIVE OR ALTERNATE

In accordance with section 19.1 of
the Representation Agreement Act, R.S.B.C. 1996, c. 405 as amended,

I, _____
(TYPE or HANDWRITE your full name as it appears in the Representation Agreement)

of _____
(TYPE or HANDWRITE current address)

phone _____
(TYPE or HANDWRITE current phone with area code + number)

hereby resign from the Representation Agreement (RA):

Made by _____
(TYPE or HANDWRITE full name of adult, as it appears in the RA)

of _____
(TYPE or HANDWRITE adult's current address)

phone _____
(TYPE or HANDWRITE adult's current phone with area code + number)

Signed on _____
(TYPE or HANDWRITE date the adult signed the RA with witnesses - Month [spell out], Day, Year)
(If don't kow date put wording such as, 'a date before [put current date or a date you prefer]')

I am named in the RA as: *(Check one)* ☐ representative ☐ alternate representative

This resignation is signed by me: _____
(Your signature)

This resignation takes effect on: _____
(TYPE or HANDWRITE current or future date - Month [spell out], Day, Year)

According to the Representation Agreement Act, the notice of resignation must be delivered/given to the adult and to each person named in the Representation Agreement as representative(s), alternate(s) and monitor. The Representation Agreement Regulation says that a written notice must be delivered/given to each person in one of these ways:

- *By registered mail to the person's last known address; or*
- *By leaving it:*
  - *with the person, or*
  - *at the person's address, or*
  - *with an adult who appears to reside with the person; or*
- *If the person operates a business, at the business, with an employee of the person; or*
- *By transmitting it by fax to the person with the number they provided for notification purposes.*