Procedures to Revoke (Cancel) a Representation Agreement

Sample form on last page

Who can revoke a Representation Agreement?

A Representation Agreement can only be revoked (cancelled) by the person it belongs to. This person is referred to as the 'adult' on the sample Notice of Revocation form.

On the Representation Agreement (RA), this person might be referred to as the 'adult,' or the 'maker,' or the 'grantor.'

The BC Representation Agreement Act (RA Act) section 27 says that if the adult meets the capability requirements to make a Representation Agreement (RA), they are considered capable to revoke.

The capability requirements are different for RA7 than for RA9. For example:

- If the adult meets the capability requirements to make an RA7, they can revoke an existing RA7.
- If the adult meets the capability requirements to make a new RA9, they can revoke an existing RA9 or an existing RA7.
- If the adult has an existing RA9 but does not meet the capability requirements to make a new RA9, they cannot revoke the existing RA9. They could make an RA7 but the RA9 is still in effect unless everyone named in the RA9 as representative and/or alternate resigns.

If an adult needs help to revoke an RA, consider asking the monitor, if one is named. Help by a government or paid staff person may raise concerns of conflict of interest — it is important to make sure there is a strong process such as involving a number of people including the adult, how the revocation came about, how it supports the adult.

What is the difference between revocation and resignation?

Usually the entire RA, including the authority of all those appointed, is ended when the RA is revoked. Then a new RA is made — it is like starting with a 'clean slate.'

Sometimes the intent is only to end the authority of a specific person. This is most commonly done when that person resigns, leaving other representatives and/or alternates and monitor to continue under the RA. For information and sample form for resigning, scroll down at Related Forms

What are the procedures for revoking a Representation Agreement?

Making a new RA does NOT automatically revoke a previous one.

The requirements for how to legally revoke a Representation Agreement are set out in section 27 of the RA Act and section 6 of the Representation Agreement Regulation. See sample on last page.

Check wording in the RA to see if there are more steps required for revocation.

For a revocation, giving 'Notice' means 'in writing', not verbal communication. The Notice must also be delivered in a particular way and to specific people. (See later headings.)

Do I have to go to a legal professional to revoke my Representation Agreement?

No, the BC RA Act does not require going to a lawyer or notary public to do a revocation. However, if a legal professional drafted the RA you might want to use a legal professional for the revocation.

Is a witness required?

No, a witness is not required. Although the law does not require it, a witness may be helpful to watch the adult sign the Notice of Revocation. After the adult signs (makes their own mark), the witness can sign the Notice and print his or her name and contact information.

If you use a witness, ask someone who is not named in the RA being revoked and who will not be named in the new RA. This reinforces perception of the witness as independent.

What does a Notice of Revocation look like?

The sample on the last page shows what a Notice of Revocation might look like. You may use or adapt the sample. You must also notify specific people (see next page and sample).

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

If you don't have the RA and don't remember when it was signed, use wording to capture the possible length of time between when it might have been made and when it will be revoked. For example, on the sample form: *I hereby revoke a Representation Agreement I made on* "before [current date]."

Who gets a copy of the Notice of Revocation?

To be valid, a signed and dated copy of the Notice of Revocation must be given/delivered to each person named in the existing RA (see following list).

1. Each representative named in the RA, and
2. Each alternate named in the RA, and
3. The monitor (if one is named).

How is a Notice of Revocation delivered?

To be valid, section 6 of the Representation Agreement Regulation says a copy of the Notice of Revocation must be given to those required (see previous heading). The Regulation says the Notice must be delivered in one of the following ways (please note that email is not 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.

It is a good idea to keep proof (how and when) the Notice was given/delivered to those required.

When does the Revocation take effect?

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

Who else do I need to inform about revoking a Representation Agreement?

If you gave the original of the RA to someone else, ask for it back. If you gave copies to a financial institution or doctor it is a good idea to give them a copy of the Notice of Revocation.

Where can I register my Revocation?

It is also a good idea to register a copy of the Notice with the Nidus Registry. One of the challenges when revoking a legal document is how to let third parties (banks, government agencies, etc.) know. Registering the revocation is not required but helps with communication.

If the existing or previous RA was registered, it is especially important to register the Notice of Revocation so it will replace (cover up) the previous (old) registered RA. This requires special procedures. Log into the Nidus Registry Account, scroll down to Registration Options, click Notice of Revocation,see top page 7 at How to Register.

The Nidus Registry provides a centralized place to keep a record of your most current plans and wishes and have them available when needed. Many people are using the Nidus Registry for emergency preparedness in case of evacuation and to protect important information and documents in the event of a wildfire or flood.

Where to find more resources?

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

- For information on making changes and resignation go to Related Forms
- Click for free RA Forms Scroll down to RA7ALL, or RA7H+P etc. There are two buttons to click/ download for each type of RA. (Be sure to see page 2 at the first download button.)

Nidus Personal Planning Resource Centre and Registry, 2024-25.
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Based on legislation of the Province of British Columbia
as amended September 1, 2011

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 REVOCATION OF REPRESENTATION AGREEMENT

Representation Agreement Act (RA Act), Section 27

I hereby revoke a Representation Agreement (RA)

that I made on _____

(TYPE or HANDWRITE the date the RA being revoked was signed by the adult - e.g. March 20, 2023)
(If don't know date RA was signed, put 'a date before [put current date or other date]')

that named the following people (in the role of representative, alternate, monitor):

_____ *as* representative
(TYPE or HANDWRITE name as it appears on the RA) *(ROLE)*

_____ as _____
(TYPE or HANDWRITE name as it appears on the RA) *(TYPE or HANDWRITE role)*

_____ as _____
(TYPE or HANDWRITE name as it appears on the RA) *(TYPE or HANDWRITE role)*

_____ as _____
(TYPE or HANDWRITE name as it appears on the RA) *(TYPE or HANDWRITE role)*

_____ as _____
(TYPE or HANDWRITE name as it appears on the RA) *(TYPE or HANDWRITE role)*

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

This revocation is signed by me: _____
*(Adult's **signature/mark**)*

_____
(TYPE or HANDWRITE **name of adult** *as it appears on the RA)*

To be valid, the Representation Agreement Act section 27 says to give written notice of revocation to the persons named in the Representation Agreement as representative, alternate and monitor. The Representation Agreement Regulation section 6 says that a written notice must be delivered to those required 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.

This Notice of Revocation is an example based on the law; it is not legal advice.
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