



**Southeast Vancouver Seniors Arts  
And Cultural Centre Society**  
**S-53479**  
**Meeting # 63**  
**Champlain Heights Community Centre**  
**Thursday March 20, 2014 at 10:30AM**  
**[www.SVSACS.org](http://www.SVSACS.org) – 604-325-0163**  
**Our Goal: a Dedicated Seniors Centre**

**Minutes**

Present: Lorna Gibbs, George Grant, Bert Massiah, Eddie So, Celina Chan, Barbara Warner, Donna Davies, Manfred Hagen, Jagjit Kaur Mann, Gurdial Kang, Philip Mah, Abdul Shaikh, Tom Chin, Sharon Tong, Gail McKay, Marianne Bowyer-Smith, Des Burke, Margaret Homonnay, Santa Sicilano,

1. Call to Order – 10:00 am Lorna Gibbs in the chair
2. Approval of Agenda – moved by Donna Davis, 2<sup>nd</sup> by Bert Massiah, carried.
3. Minutes of Meeting 62 – No issues
4. Approval of Minutes of Meeting 62 – moved by Abdul Shaikh, 2<sup>nd</sup> by Gurdial Kang, carried.
5. Reports - President – Lorna has been busy contacting the Park Board about the Seniors Centre Addition at Killarney. She has liaised with stakeholders who will use the new facility. The Park Board has proposed a Design Build process where the contractor chooses the Architect. Stakeholders would prefer an independent Architect working with an independent Project Manager. A letter to this effect was sent to Mr. Malcolm Bromley, General Manager, Parks & Recreation. Mr. Bromley has forwarded the letter to the Facilities Planning Group for consideration and comment. The details for the Federal Grant of \$2.5 million are still being worked out. Our hope is for a small committee of stakeholders to be involved in the design. We continue to solicit ideas and are compiling a ‘wish list’ of ideas. The Killarney Community Centre Society is prepared to commit \$500 thousand towards furnishings. Talks with other Seniors Centres indicate that an annual subsidy of up to \$70,000 may be needed to provide desired services.
  - Lorna thanked all those who attended the official opening of MP Suzanne Anton’s office.
  - Made note of the proposed changes to the E. 49<sup>th</sup> Ave. bus route and asked all to send an email to [tanya.tan@leg.bc.ca](mailto:tanya.tan@leg.bc.ca) expressing your concerns.
  - Noted the appointment of Isobel MacKenzie as Seniors Advocate. Her appointment begins March 31, 2014. Email [SeniorsAdvocate@gov.bc.ca](mailto:SeniorsAdvocate@gov.bc.ca). She will be headquartered in Victoria.
6. Presentation by Mirjana Srdanovic and Lorill Garcea of COSCO on ***Personal Planning***. For the complete presentation please see the attached .PDF file.

**Synopsis:**

- The first step in personal planning is to get informed and discuss your wishes with those who may be involved.
- Go to the **Nidus website** [www.nidus.ca](http://www.nidus.ca) or email [Info@nidus.ca](mailto:Info@nidus.ca) or telephone: 604-408-7414 to get information. There are fact sheets, videos and stories that will help you with your plans.
- After you complete your documents you can register them with the Nidus Registry so that the information is available when needed.

- **Personal planning** is about making legal documents to appoint someone you trust to help you with one or all areas of your life if you need assistance.
- If you do not have the appropriate documents, and some catastrophic event affects your health, the Public Guardian may take charge of your affairs and you may lose all your civil rights!
- BC legal documents for personal planning are:
- **Representation Agreement** appoints a person for health and personal care matters
- **Enduring Power of Attorney** does not cover health care or personal care matters

### Health Care Matters

- Make a **Representation Agreement** and appoint a representative to act on your behalf.
- You have the option of making a stand-alone **Advance Directive** to give legally binding instructions for certain health care matters.
- You have the option of preparing informal documents such as a **Living Will** or an **Advance Care Plan** to express your preferences and values to your representative

### Advance Care Plan

- An Advance Care Plan is a type of **Living Will**.
- BC Health Authorities have developed a document called **My Voice: An Advanced Care Plan** Go to [MyVoice-Advance Care Planning Guide](#) (for a copy of the 56 page guide)
- An Advance Care Plan is most useful as a discussion tool for you and your representative but you cannot use this plan to appoint a proxy or to give legally binding 'stand- alone' instructions.

7. New Business – None.

8. Adjournment – 11:55 am, moved by Abdul Shaikh, 2<sup>nd</sup> by Donna Davies, carried.

Lorna reminded members print the Agenda and Minutes and bring them to our meetings.

**Next Luncheon/Movie:** April 2<sup>nd</sup> 2014: *The Kings of Summer*. Luncheon reservations may be made Mar. 19 thru Mar 26 - call CHCC 604-718-6575 to reserve your seat.

**Next meeting:** April 24<sup>th</sup> 2014 10:30 am CHCC. Possible topic: **ADVANCE DIRECTIVES – (Companion to Personal Planning)** This workshop explains new provincial legislation on advance directives to instruct care providers about your preferences for illness and end of life care.

### Spring Luncheon/Movies

May 7<sup>th</sup> - *Midnight in Paris* – 2011 – 94 minutes – Comedy/Fantasy/Romance – PG13  
 June 4<sup>th</sup> - *Family Weekend* – 2013 – 96 Minutes - Comedy

**SVSACS PARTNERS** are all working together to get a real Seniors Centre for you!



This workshop was presented 2014-03-20 by the COSCO Seniors' Health & Wellness Institute. The Nidus Personal Planning and Resource Centre and Registry provided workshop content. Information in this workshop is not legal advice. Technical questions should be directed to Nidus for assistance.

### **Nidus Personal Planning Resource Centre and Registry**

- Nidus is the Latin term for rest: A symbol of safety, support and self-development.
- Info@nidus.ca [www.nidus.ca](http://www.nidus.ca)
- Telephone: 604-408-7414
- Toll free: 1-877-267-5552
- Fax: 604-801-5506

### **Workshop Objectives**

- Present basic information about a number of laws and related tools involved in personal planning.
- Examine legal documents for personal planning:
  - Enduring Powers of Attorney,
  - Representation Agreements,
  - Advance Directives,
  - Advance Care Plans.
- Explore how these documents fit together.

### **What is Personal Planning?**

- Preparing one or more legal documents to authorize someone you trust to help you manage your health and/or financial affairs if you need assistance because of illness, injury or disability.
- Making legal arrangements for while you are *alive*.
- Estate planning is about making legal arrangements for after your death. Another cosco workshop deals with this topic.

### **Why Engage in Personal Planning?**

- Your mental competency may come into question because of any number of situations: stroke, dementia, brain injury from an accident.
- If this happens and you haven't made your own legal arrangements you are vulnerable to adult guardianship.
- Decisions are going to be made. You can make them yourself or appoint somebody else to do so, but come what may, decisions will be made.

### **Committeeship**

- In BC guardianship of adults is called Committeeship (kaw-mi-tay-ship)
- Under committeeship you lose your civil rights - legally you become a non-person.
- Someone else takes over your affairs, usually the Public Trustee.
- Your family may apply to the Supreme Court to obtain authority to manage your affairs but this is costly and may take 3 or 4 months.

### **Benefits of Personal Planning**

- Personal planning lets you stay in control.
- The burden on your spouse, family and friends is eased.
- Personal planning keeps the state/government and other authorities out of your private and personal affairs.
- Personal planning if for all adults, those who need help today because their mental competency is in question and those who want to plan for the future.

### **What Does Personal Planning Cover?**

- If you are severely ill or injured you might need help in one or more of these areas:
  - Health Care
  - Personal Care
  - Legal Affairs
  - Financial Affairs

### **Health and Personal Care**

- In BC the only legal way to appoint a person for health and personal care matters is a

#### **REPRESENTATION AGREEMENT**

An **Enduring Power of Attorney** DOES NOT cover health care or personal care matters.

An **Advance Care Plan**, an **Advance Directive** or a **Living Will** cannot be used to appoint a person to act on your behalf.

ONLY a **Representation Agreement** can do this.

### **The BC Representation Agreement Act**

- There are two different sections:
- Section 7 covers standard health and personal care powers.
- Section 9 covers broader health and personal care powers.
- These two sections also have different competency requirements.

### **Section 7 Standard Powers**

- Minor and major health care: Includes medications, surgery, dental work and end-of-life comfort care.
- Personal care: Includes where to live and with whom, diet, spiritual matters and personal safety.

### **Section 7 Competency Requirements**

- There is no specific test of competence for Section 7 powers.
- The law recognizes that capability depends on many factors and is unique to the individual and his or her situation

### **Section 9 Broader Powers**

- Includes the same health and personal care powers as in Section 7 and:
- Refusing life support .
- Giving comprehensive authority for any other health and personal care matters that might arise and that are necessary in order to carry out your wishes.

### **Section 9 Competency Requirements**

- You must understand the nature of the powers covered under Section 9, and
- The effect of giving someone else these powers.

### **BC Legal Documents for Financial and Legal Affairs**

- Two documents are legal:
- **Enduring Power of Attorney**
- *OR*
- **Representation Agreement** with Section 7 routine finances or Section 9 broader powers

#### **Representation Agreement** Section 7 Routine Finances, which include:

- Dealing with banking; Co-op housing
- Government benefits; Income tax
- RRSP investments; Renewing insurance
- Homeowner grants; Vehicles
- Change of address

#### **Enduring Power of Attorney Coverage**

- All areas covered in Section 7 of **Representation Agreements** and
- Dealing with real estate.
- Authority to act on your behalf as an officer or director of a corporation you own or serve on.

### **Different Competency Requirements**

- There is no specific test of competence for Section 7 Representation Agreement powers.
- The **Power of Attorney Act** lists six items that you must understand in order to be considered capable of making an Enduring Power of Attorney (e.g. what property you own and its approximate value, any obligations you owe to your dependents).

### **Different Roles and Duties**

- Three roles are included in **Representative Agreements**:

**Representative, Alternate and Monitor** (this person acts as a safeguard and support)

- The duty of your representative is to follow your wishes and preferences.

An **Enduring Power of Attorney** includes two roles: **Attorney, Alternate Attorney**.

The duty of the **attorney** is to do what he or she thinks best for your **finances**, taking into account your wishes and values and giving priority to meeting your health and personal care needs.

### **Obtaining the Legal Documents**

Section 7 or Section 9 Representation Agreements:

- No legal professional help is required. Nidus provides forms through a Self Help Course on its website.

### **Enduring Power of Attorney:**

- Before meeting with a notary public or lawyer get prepared by visiting the Nidus website for information.

### **The Advance Directive**

- The Advance Directive is a document which became legal in BC on September 1, 2011.
- An Advance Directive is a 'stand-alone' written instruction giving or refusing consent for certain health care treatment in advance of the treatment being offered.

### **Health Care Consent**

Health care providers must FIRST determine whether the patient is capable of giving consent. If not, then consent must be sought from one of the following, in this order:

1. Someone authorized by the Supreme Court to be your Committee of Person if this has been done.
2. The person named in your Representation Agreement.
3. A stand-alone Advance Directive if it is clear and applies to the situation.
4. A person chosen from the default list in the law.

### **Rules for Advance Directives**

- It is only for certain health care matters.
- It must be in writing
- The instructions must be clear. The specific treatment and the specific circumstances must be stated.
- It can only be made by an adult who is capable of understanding what it means and how it applies.

### **A Stand-Alone Instruction**

- This means that if you are determined to be incapable of consent a health care provider may legally take consent from a piece of paper - your Advance Directive.
- The health care provider must not provide health care that you refused in your Advance Directive.

### **Advance Directives & Representation Agreements**

- If you have both documents the health care provider must go your representative for consent.
- Your representative is legally required to follow any instructions you gave in your **Advance Directive** or wrote in your **Representation Agreement** or told him or her verbally.
- You have the option of stating in your **Advance Directive** that you do not want your Representative involved in the decision covered by your Advance Directive.

### **When Would an Advance Directive Be Made?**

- The circumstances for making an Advance Directive are likely limited.
- It is difficult to predict most future situations with the kind of certainty that allows for clear limitations.
- Many instructions about treatment, including restrictions, depend on various factors present at the time.

### **Advance Directives Made Before September 1, 2011**

- If an Advance Directive was made before September 1, 2011 but it is within the requirements of the legislation it will be considered valid.
- If it does not meet the requirements of the legislation it will be treated as a **Living Will**.

### **What is a Living Will?**

- A Living Will is used to make statements about your preferences and values, rather than giving specific instructions.
- These statements can give guidance to your representative or the default person if he or she has to make a decision on your behalf, but a Living Will is not a legal document.

### **Advance Care Plan**

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- BC Health Authorities have developed a document called My Voice: An Advanced Care Plan [MyVoice-Advance Care Planning Guide](#)
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### **Example of an Advance Directive**

"I refuse consent for blood transfusions in any and all circumstances. "

- This statement expresses clearly what treatment is involved and describes the specific circumstances when it applies.

### **Example of an Advance Care Plan**

"I do not want to be resuscitated if my representative is satisfied that my illness is terminal and I am expected to die within the next six months."

- This statement expresses a preference but not a specific instruction. It would require interpretation and judgement and cannot stand alone.

### **Advance Care Plans & Representative Agreements**

- Your Representative will be guided by any Advance Care Plan you have made.
- Your Representative must make decisions according to your current wishes and any instructions you stated verbally or in writing.
- Lacking instructions, your Representative must make decisions according to your values and beliefs. That is why it is important to choose someone who knows you.

### **Limitations**

- You cannot use a Representation Agreement or an Advance Directive to authorize something that is against the law.
- This includes euthanasia and assisted suicide which are prohibited by federal law.

### **Summary - Personal Planning**

- Personal planning is voluntary.
- Personal planning is about making legal documents to appoint someone you trust to help you with one or all areas of your life if you need assistance.
- BC legal documents for personal planning are:
  - **Representation Agreement**
  - **Enduring Power of Attorney**

**Summary - Health Care Matters**

- Make a **Representation Agreement** and appoint a representative to act on your behalf.
- You have the option of making a stand-alone **Advance Directive** to give legally binding instructions for certain health care matters.
- You have the option of preparing informal documents such as a Living Will or Advance Care Plan to express your preferences and values to your representative.

**Resources**

- The first step in personal planning is to get informed and discuss your wishes with those who may be involved.
- Go to the Nidus website to get information. There are fact sheets, videos and stories that will help you with your plans.
- After you complete your documents you can register them with the Nidus Registry so that the information is available when needed.

**Facts About Nidus**

- Nidus is a non-profit charitable organization serving the Province of British Columbia.
- Nidus was established by citizens and community groups, including COSCO, to be a resource to the public on personal planning.
- Nidus operates a centralized Registry for planning documents.

**Workshop Funding**

The COSCO Institute gratefully acknowledges the financial support of: The Province of British Columbia; The Canadian Council on Learning; New Horizons for Seniors and the Canadian Institutes of Health Research.