

Attorney for property duties checklist



Wealth
Management

The following checklist summarizes the range of tasks that may be involved in assuming attorney* duties (under a Power of Attorney) for a donor. The extent to which these duties should be performed by the attorney will depend on the circumstances of the donor, and as such, not all may be applicable. If the donor is capable, the attorney should follow the instructions of the donor as to which tasks should be completed on their behalf.

If you have questions about any of the duties listed or want more information about how you can get help from an RBC Estate & Trust professional, please call 1-855-833-6511.

Task	Complete
Preliminary steps	
1. Obtain a copy of the Power of Attorney document(s)	<input type="checkbox"/>
2. Verify that the Power of Attorney document(s) is the most recent one signed by the donor	<input type="checkbox"/>
3. Ensure that any and all preconditions for acting as the attorney have been met	<input type="checkbox"/>
4. Confirm if others have been named to act as attorney and in what capacity	<input type="checkbox"/>
5. Confirm that the Power of Attorney authorizes acting in respect of all or only some of the donor's property/assets, and whether there are any other restrictions that apply (e.g. the Power of Attorney can only be used during a specified period of time)	<input type="checkbox"/>
6. Obtain copies of any management plans or court orders related to the Power of Attorney	<input type="checkbox"/>
7. Locate and review the donor's Will, and document any specific instructions concerning property and bequests	<input type="checkbox"/>
8. Discuss the Power of Attorney document, and duties and authority as attorney, with the donor (if possible)	<input type="checkbox"/>
9. Review the donor's personal records and contacts, and establish a system for ensuring the organization and protection of this information and actions	<input type="checkbox"/>
10. Consult with the person acting as attorney for personal/health care regarding the health care, safety and shelter of the donor; obtain a written description of decisions made and make all necessary financial arrangements	<input type="checkbox"/>
11. If there is no named attorney for personal/health care, obtain legal advice regarding the donor's current circumstances	<input type="checkbox"/>
12. Notify personal attendants, housekeepers, gardeners and other staff of our role as attorney, and advise as required	<input type="checkbox"/>
13. Establish relationships with the close family, friends and other key caregivers of the donor	<input type="checkbox"/>
Initial tasks	
14. Create a complete list of the donor's assets and liabilities/debts including any digital assets such as social media accounts and passwords as of the date of your first action	<input type="checkbox"/>
15. Locate all original investment certificates, stocks, bonds, property deeds, etc., and document them	<input type="checkbox"/>
16. Identify and document all other personal assets, and arrange for a market valuation	<input type="checkbox"/>
17. Check the Bank of Canada website for unclaimed balances in the donor's name	<input type="checkbox"/>
Safeguard assets	
18. Notify all banks, brokers and financial institutions the donor has business with that we are acting as the donor's attorney; confirm whether the donor created any other Power of Attorney documents with them, and redirect statements if necessary	<input type="checkbox"/>
19. Review the suitability of the donor's investment portfolio and any surplus cash, making any necessary and allowable adjustments to meet the donor's current and future needs; monitor the investment portfolio on a regular basis	<input type="checkbox"/>
20. Notify appropriate institutions and redirect annuities, pensions and registered funds	<input type="checkbox"/>
21. Notify the appropriate authorities and redirect all sources of income including CPP/QPP, OAS, Veteran's Pension Payments and GST/HST credits	<input type="checkbox"/>

Task	Complete
Safeguard assets (continued)	
22. Apply for any pensions or other payments to which the donor may be entitled	<input type="checkbox"/>
23. Notify insurance companies or other institutions regarding auto, home, disability or life insurance that we are acting as the donor's attorney, and redirect statements if necessary	<input type="checkbox"/>
24. Ensure adequate insurance for the assets and upkeep of the property	<input type="checkbox"/>
25. Cancel auto registration and insurance, if applicable, and collect any refunds	<input type="checkbox"/>
26. Set up disability insurance payments if required	<input type="checkbox"/>
27. Cancel the donor's debit and credit card(s)	<input type="checkbox"/>
28. Arrange for the sale of assets (including real property) if required (subject to the terms of the Will)	<input type="checkbox"/>
29. Arrange for the sale of household goods and personal effects to the named beneficiaries if required (subject to the terms of the Will)	<input type="checkbox"/>
30. Cancel memberships and other subscriptions if required	<input type="checkbox"/>
Prioritize expenditures	
31. Create a monthly budget consisting of all income expected and payments required to ensure the donor's immediate and ongoing financial needs can be met	<input type="checkbox"/>
32. Pay all expenses as required	<input type="checkbox"/>
33. Arrange for the payment of debts with any surplus cash (pay by cheque and have cheques returned)	<input type="checkbox"/>
Taxes	
34. Notify Canada Revenue Agency, provide them with a copy of the Power of Attorney document and request a statement of account showing all outstanding taxes, refunds and instalments paid up to the current date	<input type="checkbox"/>
35. File any outstanding and ongoing tax returns and pay all income taxes owing	<input type="checkbox"/>
36. Collect tax slips, medical and donation receipts as required	<input type="checkbox"/>
37. Determine whether the donor is subject to any foreign tax jurisdictions (e.g. if the donor is a U.S. citizen) and determine how to address the situation (seek tax and legal advice as necessary)	<input type="checkbox"/>
Keep meticulous records	
38. Establish an ongoing list of acquisitions and dispositions made on the donor's behalf (e.g. money received, investments made, liabilities incurred or discharged), obtaining and retaining receipts for all transactions	<input type="checkbox"/>
39. Investigate and record all debts owed by the donor	<input type="checkbox"/>
40. Document any compensation (including assets used in calculation) taken for attorney duties	<input type="checkbox"/>

* In most jurisdictions across Canada, the person who sets up the Power of Attorney is known as the "donor" and the individual chosen to act on the donor's behalf is called the "attorney." We have used the terms "Power of Attorney for property" and "Power of Attorney for personal/health care." Depending on the province/territory, the term used to describe a Power of Attorney document for property that can be used during the donor's incapacity may vary. Some provinces/territories may refer to it as a "continuing" or "enduring" Power of Attorney. In Quebec, it is referred to as a "Protection Mandate." Please check with your jurisdiction's legislation for the appropriate term.

For information or questions related to Powers of Attorney for personal/health care, please contact your legal counsel.

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