

CANADA

FORM 20C

Court File #

NUNAVUT TERRITORY

(PRACTICE DIRECTIVE #20)

IN THE NUNAVUT COURT OF JUSTICE

In the matter of the appointment of a Trustee for _____, born the _____ day of _____, _____;

And in the matter of an application under section 27(2) of the *Guardianship and Trusteeship Act*, S.N.W.T. 1994, c.29 as amended and duplicated for Nunavut by the *Nunavut Act S.C.*, 1993 c.28;

BETWEEN:

THE PUBLIC TRUSTEE FOR NUNAVUT

APPLICANT

AND:

RESPONDENT

Before the Honourable _____)
Mr/Mme Justice _____)
IN CHAMBERS _____)
On the _____ day of _____, 20____,
at the City/Hamlet of _____

TRUSTEESHIP ORDER

UPON THE APPLICATION of the Petitioner coming on for hearing before me this date, and upon reading the Petition filed the _____ day of _____, 20____, the Public Trustee's consent dated the _____ day of _____, 20____, and filed, the affidavit of Execution (Public Trustee) sworn the _____ day of _____, 20____, and filed, the Affidavit of the Public Trustee sworn the _____ day of _____, 20____, and filed, the memorandum dated the _____ day of _____, 20____, and the capacity assessment dated the _____ day of _____, 20____, and filed;

AND UPON _____ appearing on behalf of the Public Trustee, and no one appearing on behalf of the Respondent though duly served with notice of this application;

THIS COURT FINDS that the Respondent _____ is mentally incompetent within the meaning of section 31(2) of the *Guardianship and Trusteeship Act*.

THIS COURT DOES FURTHER FIND AND DECLARE that there is no alternative course of action that will provide comparable benefits to that made available through an order of trusteeship.

THIS COURT DOES THEREFORE ORDER that the Public Trustee in and for Nunavut be appointed as trustee to manage the financial affairs of the Respondent, and that for this purpose, the Trustee shall have the following powers and responsibilities, namely:

1. the power to grant or accept leases of real or personal property for a term of less than three years;
2. the power to purchase, sell, mortgage, grant, or accept leases for more than three years or otherwise dispose of real or personal property;
3. the power to exchange or partition property and give or receive money to establish equality of exchange or partition;
4. the power to surrender a lease, with or without accepting a new lease, or accept a surrender of a lease;
5. the power to carry on the trade or business of the represented person;
6. the power to consent to the exercise of a power vested in the represented person;
7. the power to exercise a right or obligation to elect, belonging to or imposed on the represented person;
8. the power to invest any money in investments in which trustees are authorized to invest trust money under the *Trustee Act*;
9. the power to deposit any money in the manner in which trust money may be deposited under the *Trustee Act*;
10. the power to transfer property held in trust by the represented person, either solely or jointly with another, to the person beneficially entitled to the property;
11. the power to consent to the transfer or assignment of a lease if consent is required;
12. the power to perform a contract entered into by the represented person or his or her guardian;
13. the power to draw, accept and endorse bills of exchange and promissory notes, endorse bonds, debentures, coupons and other negotiable instruments and securities and assign choses in action;

14. the power to give or receive a notice on behalf of the represented person that relates to his or her estate;
15. the power to commence, compromise or settle a debt, claim or court action that relates to the estate;
16. the power to be reimbursed from, or pay and discharge from the estate, all reasonable expenses incurred from the performance of a duty or the exercise of a power under this Act or the regulations;
17. the power to take compensation from the estate, in accordance with the prescribed fees, for acting as the trustee of the represented person;

THIS COURT DIRECTS that this order will remain in force for:

for a period of years;
until further order of the Court.

Pursuant to section 40(2) of the *Guardianship and Trusteeship Act*, **THIS COURT FURTHER ORDERS** the Public Trustee to return this matter to Court for a review of this order within years of the making of this order, **and that for this purpose**, the Public Trustee shall:

- provide the Court with a further competency assessment;
- provide the Court with a full inventory of the represented person's assets and liabilities;
- other:

THIS COURT DIRECTS that the Public Trustee provide the nearest relative of the represented person with an annual report on the trustee's administration of the represented person's estate.

THIS COURT AUTHORIZES the Public Trustee to serve this order and any report required by it upon the represented person or nearest family relative by single registered mail.

Justice of the Nunavut Court of Justice

Entered this day of , .

Clerk of the Nunavut Court of Justice