

It is natural to be concerned about the decisions regarding your personal care should you become incapable. People are naturally reluctant to entrust this level of power over their affairs to another individual, for fear that their destiny will potentially rest in someone else's hands. This fear usually results in a reluctance to assign a power of attorney altogether. It is important to note that granting power of attorney does not take away the power to act on your own behalf. Rather, it serves to share this power with your "attorney" who can act for you should you become incapable of doing so yourself. It may be helpful to think of power of attorney as "personal decision insurance", so that important decisions required on your behalf will be made as you would wish them.

A properly drafted Will ensures that your wishes are acted upon in death. However, it is also important to consider making a provision, through power of attorney, for financial and personal care decisions to be made on your behalf while you are still alive, yet incapable of making them yourself.

There are several forms which power of attorney can take. A Limited Power of Attorney can be used for example to purchase or sell real estate or to sign bank documents. A continuing General Power of Attorney can grant authority for decisions relating to property that you can make yourself, except to make a Will.

If you are concerned about the decisions regarding your personal care should you become mentally incapacitated, you could consider assigning Power of Attorney for Personal Care (sometimes known as a "Living will") to a trusted person. In this way, you can be reassured that adequate measures related to your physical well-being will be undertaken in a manner consistent with your personal wishes.

An attorney must be at least 18 years old and mentally competent to make property decisions and someone who is trustworthy and have good common sense. They must account to you for their actions and keep records of their activities on your behalf.

It is important that your Attorney will listen to you and is someone who will try to cooperate with the others in the family but will not be influenced by them in the decision-making process on your behalf.

It is also important to consider geography and to nominate someone who lives nearby as opposed to, for instance, Vancouver. It is also helpful if they are reasonably familiar with your personal situation

Do not forget to tell the person(s) you wish to appoint to be your attorney beforehand so that you do not catch them by surprise. If they are unwilling to act you may not have the protection that you think you have under your power of attorney. Remember as well to appoint an alternate who can substitute for your first choice so that, in the event of ill health or death of your first choice, you will have not lost someone to act.