

**ONTARIO
SUPERIOR COURT OF JUSTICE**

IN THE MATTER OF THE PROPERTY AND THE PERSON OF ASHLEY DOE

B E T W E E N :

JANE DOE

Applicant

- and -

ASHLEY DOE and THE OFFICE OF THE PUBLIC GUARDIAN AND TRUSTEE
Respondents

**APPLICATION UNDER s. 22 and s. 55 of the *Substitute Decisions Act, 1992*,
S.O. 1992, c. 30**

APPLICATION RECORD

DATE

Lawyer's name and LSO no.

Firm Information

TO: ASHLEY DOE

Respondent

AND TO: THE OFFICE OF THE CHILDREN'S LAWYER

Respondent

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NOTICE OF APPLICATION

TO THE RESPONDENTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing on

☐

In person

☐

By telephone conference

☒

By video conference

at the following location

London Court House, 80 Dundas Street, London, Ontario, via Zoom. The video conference details, such as a dial-in number, access code, video link, etc., will be set and released by the Registrar in advance of the Application.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the *Rules of Civil Procedure*, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date:

Issued by _____

Local registrar

Address of court office 80 Dundas Street
London, ON N6A 6A3

TO : ASHLEY DOE

Respondent

AND TO: The Office of the Public Guardian and Trustee

Respondent

APPLICATION

1. The Applicant, Jane Doe, makes application for:

Guardian of Property

- (a) A declaration that the Respondent, Ashley Doe (hereinafter referred to as “**Ashley**”), is incapable of managing property and that, as a result, it is necessary for decisions to be made on her behalf by a person who is authorized to do so;
- (b) An Order appointing the Applicant, Jane Doe (hereinafter referred to as the “**Applicant**”), as Ashley’s guardian of property;
- (c) An Order approving the Applicant’s proposed management plan in the form filed by the Applicant;
- (d) An Order requiring the Applicant to act in accordance with the approved management plan;
- (e) An Order for directions with respect to the timing of a passing of accounts, proposed by the Applicant to be six (6) months from the two-year anniversary of a Judgment granted herein, and thereafter to be passed pursuant to further Court order or as directed by this Honourable Court;
- (f) An Order dispensing with the requirement that the Applicant obtain a security bond in her capacity as Ashley’s guardian of property or, in the alternative, an Order for directions regarding the obtaining of a guardianship bond;

Guardian of the Person

- (g) A declaration that the Respondent, Ashley, is incapable of personal care specifically in respect of her own health care, nutrition, shelter, clothing, hygiene, and safety, and that, as a result, it is necessary

for decisions to be made on her behalf by a person who is authorized to do so;

- (h) An Order appointing the Applicant as Ashley's guardian of the person;
- (i) An Order approving the guardianship plan in the form filed by the Applicant;
- (j) An Order requiring the Applicant to act in accordance with the approved guardianship plan;
- (k) An Order that the Applicant may make any decision on Ashley's behalf to which the *Health Care Consent Act, 1996*, S.O. 1996, c. 2, Sched. A, applies in the Applicant's capacity as Ashley's guardian of the person;
- (l) An Order that the Applicant may make decisions about Ashley's health care, nutrition, hygiene, employment, education, training, clothing, recreation, and about any social services provided to Ashley in her capacity as her guardian of the person;
- (m) An Order that the Applicant may exercise custodial powers over Ashley, determine her living arrangements, and provide for her shelter and safety in her capacity as Ashley's guardian of the person;
- (n) An Order permitting the Applicant to have access to Ashley's personal information in her capacity as Ashley's guardian of property and guardian of the person, including health information and records to which Ashley could have access to if she were capable, and that the Applicant may consent to the release of that information to another person or persons, except for purposes of

litigation that relates to the Applicant's status or powers as Ashley's guardian of the person and property;

- (o) An Order permitting the Applicant to act as Ashley's litigation guardian in her capacity as Ashley's guardian of property, except in respect of litigation that relates to the Applicant's status or powers as Ashley's guardian of the person and guardian of property;
- (p) An Order that the Applicant may commence and settle claims and proceedings on Ashley's behalf in her capacity as Ashley's guardian of property, except claims and proceedings that relate to the Applicant's status or powers as Ashley's guardian of the person and guardian of property;

Amendments to Plans

- (q) An Order requiring the Applicant to file an amended management plan and/or an amended guardianship plan with the Court and with the Public Guardian and Trustee's office should there be any material change in Ashley's circumstances, and that the reasonable costs of amending the said plans shall be paid from Ashley's property;

Miscellaneous

- (r) An Order requiring Ashley to undergo a capacity assessment, if and as necessary;
- (s) An Order for substituted service and/or validating service, if and as necessary;
- (t) An Order dispensing with the need for service of this application, if and as necessary;
- (u) An Order abridging the time for service, if and as necessary;

- (v) An Order dispensing with the requirement that the Applicant serve and file a factum in this proceeding;
- (w) An Order that the costs of this Application be paid from Ashley's property on a full-indemnity basis, inclusive of legal fees, taxes, and disbursements; and,
- (x) Such further and other relief as counsel may request and this Honourable Court may deem just and fair.

2. The grounds for the application are:

- (a) The Respondent, Ashley, is 63 years old.
- (b) In February 2019, Ashley was diagnosed with dementia.
- (c) In April 2024, Ashley underwent a capacity assessment. The assessment revealed that Ashley is incapable of managing property and personal care decisions and that she is not capable of granting a continuing power of attorney for property and/or a power of attorney for personal care;
- (d) Ashley never granted a continuing power of attorney for property and/or personal care.
- (e) Ashley requires assistance with the management of her property and finances;
- (f) Ashley requires a guardian of property. Ashley would benefit from having a guardian of the person;
- (g) The Applicant herein, namely Ashley's adult sister, Jane Doe, is prepared to act as Ashley's guardian of property and guardian of the person;

Legislation

- (h) Sections 3, 6, 12, 20, 22, 24, 25, 39, 42, 45, 53, 68, 79 of the *Substitute Decisions Act, 1992*, S.O. 1992, c. 30, as amended;
- (i) Rules 1.04, 2.03, 3.02, 14.05, 38, 57, (72.03(2)(c)(ii), 75, 75.175.2 if applicable) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194; and,
- (j) Sections 127-131 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43.

3. The following documentary evidence will be used at the hearing of the application:

- (a) The Affidavit of Jane Doe and the exhibits attached thereto; and,
- (b) Such further and other relief as counsel may advise and this Honourable Court may permit.

January 10, 2025

LAWYER INFO

JANE DOE ASHLEY DOE et al
Applicant and Respondents

Court File No.: 12345

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at London

NOTICE OF APPLICATION

LAWYER INFO

**ONTARIO
SUPERIOR COURT OF JUSTICE**

IN THE MATTER OF THE PROPERTY AND THE PERSON OF ASHLEY DOE

B E T W E E N :

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Applicant

- and -

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Respondents

**APPLICATION UNDER s. 22 and s. 55 of the *Substitute Decisions Act*, 1992,
S.O. 1992, c. 30**

**AFFIDAVIT OF JANE DOE
(Sworn XXX)**

I, Jane Doe, of the City of London, County of Middlesex, MAKE OATH AND SAY:

1. I am an Applicant in this proceeding and, as such, I have personal knowledge of the matters to which I hereinafter depose in this my affidavit.
2. Where I do not have personal knowledge of the matters contained in this affidavit and I rely on information provided to me by other sources, I state the source of my information and belief and verily believe it to be true and accurate.

Purpose of the Application

3. As outlined in greater detail below, my adult sister, Ashley Doe ("**Ashley**"), has been diagnosed with dementia.
4. Given Ashley's circumstances, I have reason to believe that she is not capable of making decisions with respect to the management of her property and with respect matters relating to her personal care.

5. Unfortunately, Ashley does not have a continuing power of attorney for property or a power of attorney for personal care. As such, there is no person who has legal authority to manage her affairs. Given Ashley's diagnosis, I do not believe that she has capacity to grant Powers of Attorney.
6. As such, I have commenced this application to obtain guardianship over the property and the person of my sister, Ashley.

Background Information about Ashley

7. Ashley is 63 years old, having been born on November 4, 1961.
8. Ashley does not have a spouse or children.
9. Ashley retired as an elementary school teacher in 2015.
10. Until recently, Ashley lived alone in a residential property located in London, Ontario.
11. In or around March 2024, it became necessary for Ashley to take up residence in a long-term care home as she was not able to live on her own anymore.
12. Ashley's property is currently vacant. Given Ashley's circumstances, she is not able to sell her home, and no person has legal authority to do so on her behalf.

Evidence of Incapacity

13. In or around 2018, Ashley began to encounter memory issues.
14. Ashley became increasingly forgetful and had difficulty with word finding, which was uncharacteristic of her given that she was rather articulate.
15. In early 2019, Ashley attended a doctor's appointment with her family physician, Dr. Hammond. I accompanied her.
16. During the appointment, we advised Dr. Hammond of Ashley's ongoing issues.
17. Dr. Hammond referred Ashley to a geriatrician, Dr. Miguel.

18. Dr. Miguel administrated numerous tests on Ashley to determine what might be wrong.
19. Based on the results of the tests, Dr. Miguel opined that Ashley was showing signs of the early stages of dementia. Shortly thereafter, Dr. Miguel formally diagnosed Ashley with dementia. Attached hereto as **Exhibit "A"** is a copy of Dr. Miguel's letter, dated February 2019 confirming Ashley's diagnosis.
20. For the next several years, Ashley continued to live in her home with support from her extended family and friends.
21. As time went on, Ashley's condition deteriorated until it became clear that she could no longer live on her home. For example, Ashley would leave the stove on and taps running, she would leave her home in the middle of the night and be found wandering. On one occasion, the police had to collect Ashley and bring her home.
22. In March 2024, Ashley underwent an assessment to determine whether she was capable of living on her own. The result of the assessment was that Ashley was incapable of residing on her own or making decisions with respect to her admission to a long-term care home. As such, I took steps to have her moved into a local long-term care home.
23. Shortly after her admission to a long-term care home, it became apparent to me that Ashley did not have a continuing power of attorney for property or a power of attorney for personal care.
24. As such, I contacted a lawyer to determine how to address this issue, including what to do with Ashley's now vacant home.
25. I consulted with a lawyer, namely Mr. John Morrissey of Siskinds LLP. Mr. Morrissey advised that in the circumstances, it may be necessary for me, or some other person who is willing and able, to apply for guardianship.

26. In April 2024, Ashley underwent a capacity assessment with Dr. Rachel McAdams, who is a designated capacity assessor under the *Substitute Decisions Act, 1992*. Mr. Morrissey instructed Dr. McAdams to assess the following:
- (a) Ashley's ability to grant a continuing power of attorney for property;
 - (b) Ashley's ability to grant a power of attorney for personal care;
 - (c) Ashley's capacity to manage property; and,
 - (d) Ashley's capacity to manage her personal care.
27. In her report dated April 10, 2024, Dr. McAdams opined that Ashley was incapable with respect to each area that she was asked assessed. Attached hereto as **Exhibit "B"** is a copy of Dr. McAdams' report and the associated Form A and Form C confirming Ashley's incapacity.

Ashley Requires a Guardian

28. Ashley is not capable of managing her property. She is also not capable of making decisions relating to her personal care.
29. Ashley has not granted a Continuing Power of Attorney for Property or a Power of Attorney for Personal Care. Ashley does not have the requisite legal capacity to grant Powers of Attorney, as confirmed by Dr. McAdams.
30. There is no person with legal authority to manage Ashley's financial affairs. Although I am acting as Ashley's substitute decision maker under the *Health Care Consent Act*, my authority is limited to treatment decisions. I believe that Ashley would benefit from a guardian of the person.
31. I am advised by Mr. Morrissey and do verily believe that given Ashley's circumstances, including her cognitive health and the reality that she does not have powers of attorney in place, guardianship is the only course of action to follow.
32. I am aware that the office of the Public Guardian and Trustee will act as a guardian of property for Ashley if and as necessary, but only as a last resort. As outlined in

detail below, I am willing and able to act as Ashley's guardian of property and guardian of the person.

The Proposed Guardian

- 33. I live in London, Ontario with my husband, Nathan.
- 34. I am 56 years old.
- 35. I own my own home.
- 36. I am a Chartered Professional Accountant at a national accounting firm.
- 37. I do not have a criminal record. I have never filed for bankruptcy, and I have never been charged or accused of any financial misconduct.
- 38. I am Ashley's only sibling.
- 39. I am already acting as Ashley's substitute decision maker for treatment decisions under the *Health Care Consent Act*. I believe that I am the most suitable person to assume the role of Ashley's guardian of property and the person, especially given that I am her sister, my knowledge of her circumstances, and my accounting background.
- 40. I am ready, willing, and able to act as Ashley's guardian of property and guardian of person. Attached hereto as **Exhibit "C"** is a consent confirming same.
- 41. I do not believe that there are any less restrictive means to assist Ashley with her affairs than guardianship.
- 42. I do not believe Ashley would oppose the relief sought on this Application.

Rights Advice Statement

- 43. I confirm that I have informed Ashley of the within application, the nature of the relief sought on the within application, and her corresponding right to oppose the relief and seek legal advice. Attached hereto as **Exhibit "D"** is a document entitled "*Rights Advice Statement*" confirming the manner in which I informed Ashley of the

Application, her corresponding right to oppose the relief sought on the application, and the manner in which I communicated this information to her.

The Management and Guardianship Plans

44. I am advised by Mr. Morrissey and do verily believe that before this Honourable Court considers the possibility of appointing me as Ashley's guardian of property and guardian of the person, I am required to outline my plans with respect to how I will manage Ashley's financial affairs and personal care decisions. Attached hereto as **Exhibit "E"** is a copy of my proposed Guardianship Plan, which outlines how I plan to make decisions regarding Ashley's personal care. Attached hereto as **Exhibit "F"** is a copy of my proposed Management Plan, which outlines how I plan to manage Ashley's property.
45. I am advised by Mr. Morrissey and do verily believe that I am required to file updated management and guardianship plans with the court and the Office of the Public Guardian and Trustee whenever there is a material change in Ashley's circumstances. I am prepared to do so if and when necessary.
46. I undertake to adhere to the Management and Guardianship Plans, including any updated/amended plans that are filed in the context of this guardianship.
47. To the extent that it is possible, I will consult with Ashley concerning any decisions that I need to make on her behalf. I will encourage Ashley to be involved in those decisions.
48. I undertake to keep and maintain accurate and detailed accounts of how I manage Ashley's property and finances.
49. I undertake to foster regular personal contact between Ashley and supportive family members and friends.

Guardianship Bond

50. In the event that I am appointed as Ashley's guardian of property, I am requesting that this Honourable Court exercise its discretion to dispense with the need to

obtain a guardianship bond. In the event that this Honourable Court requires me to post security/obtain a bond, I am seeking directions with respect to same.

Passing of Accounts

51. Mr. Morrissey advises, and I do verily believe that it is standard procedure for court appointed Guardians of Property to provide a formal accounting of their dealings with an incapable person's property within a specific period following the date of their appointment. I understand that the rationale behind this is to ensure that the guardian is properly managing the incapable person's affairs.
52. I undertake to pass my accounts with respect to the management of Ashley's accounts within six (6) months of the two-year anniversary of my appointment as Ashley's guardian of property, and thereafter pursuant to an Order of this Honourable Court.

Summary

53. Ashley is incapable of managing her property and personal care. She requires assistance.
54. I love Ashley. I want to ensure that her affairs are properly managed.
55. I make this Application for the relief sought in the Notice of Application and for no other or improper purpose.

SWORN BEFORE ME:

☒

in person

☐

by video conference

at the City of London, County of Middlesex on _____, 2025.

Signature of Commissioner (*or as may be*)

JANE DOE

A

ATTACHED IS EXHIBIT 'A' MENTIONED
AND REFERRED TO IN THE AFFIDAVIT OF

Jane Doe

SWORN BEFORE ME AT THE CITY OF LONDON,
IN THE COUNTY OF MIDDLESEX,
THIS ____ DAY OF _____, 2025

A Commissioner, etc.

***INSERT
LETTER***

B

ATTACHED IS EXHIBIT 'B' MENTIONED
AND REFERRED TO IN THE AFFIDAVIT OF

Jane Doe

SWORN BEFORE ME AT THE CITY OF LONDON,
IN THE COUNTY OF MIDDLESEX,
THIS ____ DAY OF _____, 2025

A Commissioner, etc.

INSERT
REPORT

C

ATTACHED IS EXHIBIT 'C' MENTIONED
AND REFERRED TO IN THE AFFIDAVIT OF

Jane Doe

SWORN BEFORE ME AT THE CITY OF LONDON,
IN THE COUNTY OF MIDDLESEX,
THIS ____ DAY OF _____, 2025

A Commissioner, etc.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

IN THE MATTER OF THE PROPERTY AND THE PERSON OF ASHLEY DOE

B E T W E E N :

JANE DOE

Applicant

- and -

ASHLEY DOE and THE OFFICE OF THE PUBLIC GUARDIAN AND TRUSTEE

Respondents

**APPLICATION UNDER s. 22 and s. 55 of the *Substitute Decisions Act*, 1992,
S.O. 1992, c. 30**

CONSENT

I, Jane Doe, hereby consent to act as Ashley Doe's guardian of property and guardian of the person pursuant to sections 22 and 55 of the *Substitute Decisions Act*, 1992.

Date: _____

Jane Doe

JANE DOE ASHLEY DOE et al
Applicant and Respondents

Court File No.: 12345

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at London

CONSENT

LAWYER INFO

D

ATTACHED IS EXHIBIT 'D' MENTIONED
AND REFERRED TO IN THE AFFIDAVIT OF

Jane Doe

SWORN BEFORE ME AT THE CITY OF LONDON,
IN THE COUNTY OF MIDDLESEX,
THIS ____ DAY OF _____, 2025

A Commissioner, etc.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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Respondents

**APPLICATION UNDER s. 22 and s. 55 of the *Substitute Decisions Act, 1992*,
S.O. 1992, c. 30**

RIGHTS ADVICE STATEMENT

I, Jane Doe, hereby confirm that I informed Ashley Doe of the nature of the within application and her corresponding right to oppose the application, as required by sections 70(1)(c)(i) and 70(2)(c)(i) of the *Substitute Decisions Act, 1992*.

I confirm that I informed Ashley Doe of the nature of the application and of her corresponding right to oppose the application by means of verbal communication on January 10, 2024.

Date: _____

Jane Doe

JANE DOE ASHLEY DOE et al
Applicant and Respondents

Court File No.:

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at London

RIGHTS ADVICE STATEMENT

LAWYER INFO

E

ATTACHED IS EXHIBIT 'E' MENTIONED
AND REFERRED TO IN THE AFFIDAVIT OF

Jane Doe

SWORN BEFORE ME AT THE CITY OF LONDON,
IN THE COUNTY OF MIDDLESEX,
THIS ____ DAY OF _____, 2025

A Commissioner, etc.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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**APPLICATION UNDER s. 22 and 55 of the *Substitute Decisions Act, 1992*,
S.O. 1992, c. 30**

GUARDIANSHIP PLAN

Section I – Identifying Information

A. This plan is for:

Name in full (Referred to throughout this guardianship plan as 'the person')

Last Name

DOE

First Name

ASHLEY

Middle Initial

Date of Birth

1961/11/04

Home Telephone Number

Business Telephone Number

ext.

Unit Number

Street Number

Street Name

PO Box

City/Town

London

Province

Ontario

Postal Code

B. (1) As the proposed guardian of the person (or attorney for personal care) for Ashley Doe, I have consulted with the following persons in preparation of this guardianship plan:

☒

The person identified in A

☒

Family members of the person

☒

Friends of the person

☒

Care providers to the person

☐

The person's guardian of property (attorney under a continuing power of attorney)

☐

Others (specify relationship):

Section II – Areas Where Personal Care Decision Making Authority is Sought

A. I am seeking personal care decision making authority in the following areas:

☒

Health Care (including decisions to which the *Health Care Consent Act, 1996* applies)

☒

Nutrition

☒

Shelter/Accommodation

☒

Clothing

☒

Hygiene

☒

Safety

B. Powers Requiring Specific Court Authorization (this section is only to be completed by applicants for court-appointed guardianship of the person).

1. I am asking the court for an order authorizing me to apprehend the person [Section 59(3)].

☐ Yes ☒ No

2. I am asking the court for an order authorizing me to change existing arrangements in respect of custody of or access to a child, or to give consent on the person's behalf to the adoption of a child [Section 59(4)].

☐ Yes ☒ No

3. a. I am asking the court for an order permitting me to exercise other powers or perform other duties in addition to those set out in the *Substitute Decisions Act, 1992* [Section 59(2)(g)].

☐ Yes ☒ No

- b. If the answer to 3a is yes, please identify the other powers and duties.

C. Notice Regarding Extraordinary Matters

The law limits or restricts a guardian's authority to make decisions in the following areas relating to personal care:

Sterilization

The law prohibits a substitute decision maker from consenting to non-therapeutic sterilization of a person who is mentally incapable of such a decision. Any proposal to consent on behalf of the person to his or her sterilization as medically necessary for the protection of the person's health must be consistent with the law and should appear in the Guardianship Plan or be the subject of an amendment to the Guardianship Plan prior to consent being given.

Regenerative Tissue Donation

The law restricts the authority of a substitute decision maker regarding decisions to permit regenerative tissue donations by a person who is mentally incapable of such a decision. Any proposal to authorize the removal of regenerative tissue for implantation in another person's body must be consistent with the law and should appear in the Guardianship Plan or be the subject of an amendment to the Guardianship Plan prior to permission being given.

Section III – The Plan for Personal Decision Making

(Please complete only those sections where decision making authority is sought, and please attach any additional relevant documentation.)

Health Care (Including Treatment), Nutrition and Hygiene

Background

- a. Describe the current status of the health, nutrition and hygiene of the person, including all known health conditions for which treatment is being received or is proposed.

Ashley currently receives daily assistance at her long-term care facility.

- b. Describe any wishes or instructions made by the person while capable that are known by you and that relate to his/her preferences about health care, treatment, nutrition and hygiene and attach a copy of any written wishes or instructions (e.g., a written advance directive, power of attorney for personal care, living will, etc.).

I do not possess any previous written requests of my sister; however, I will maintain her care to the best of my ability and, when possible, to a level equal to her lifestyle prior to her diagnosis.

Plan

- c. Describe the long-term goals (2-6 years) for decisions under this heading.

Continue to work with her medical professionals and the team at the long-term care facility.

- d. Describe the steps you propose to take (within the next 12 months) to achieve the goals under this heading.

As above.

- e. Briefly describe your reasons for these plans.

The individuals involved in Ashley's care are all working towards the best level of care and daily function for Ashley. The team will continue to strive for this as Ashley's condition progresses.

Shelter/Living Arrangements and Safety

Background

- a. Describe the current status of the person's living arrangements, including any factors relating to safety.

Ashley has transitioned nicely into the care of the long-term care facility. The support she receives at the LTC facility is keeping her safe on a daily basis.

- b. Describe any known wishes or instructions made by the person while capable that relate to his or her preferences about living arrangements and safety issues and attach a copy of any written wishes or instructions.

I do not possess any previous written requests of my sister; however, I will maintain her care to the best of my ability and, when possible, to a level equal to her lifestyle prior to her diagnosis.

Plan

- c. Describe the long-term goals (2-6 years) for decisions under this heading.

I will continue to work with Ashley's team to keep her safe at the LTC facility.

- d. Describe the steps you propose to take (within the next 12 months) to achieve the goals under this heading.

As above.

- e. Briefly describe your reasons for these plans.

The individuals involved in Ashley's care are all working towards the best level of care and daily function for Ashley. The team will continue to strive for this as Ashley's condition progresses.

Legal Proceedings

Background

- a. Describe the current status of any existing or anticipated legal proceedings relating to this person, (including divorce, custody, access, adoption, restraining orders, criminal matters, landlord and tenant matters).

None

- b. Describe any known wishes or instructions made by the person while capable that relate to his or her preferences about existing or anticipated legal proceedings and attach a copy of any written wishes or instructions.

- c. If legal proceedings are in progress, describe arrangements for legal representation of the person, if known.

- d. Where there is a guardian of property or attorney under a continuing power of attorney, is he or she aware of the existing or anticipated legal proceedings described in (a)? If so, please describe his or her involvement.

- e. Are you aware of any existing court orders or judgments against the person?

☐

Yes

☒

No

If yes, describe or attach copies.

- f. Is the person on probation or are there pending criminal proceedings in which the person is involved? If so, please provide details.

☐

Yes

☒

No

If yes, please provide details.

Plan

- g. Describe the long-term goals (2-6 years) for decisions under this heading.

- h. Briefly describe your reasons for these plans.

Employment, Education, and Training

Background

- a. Is the person employed, or involved in any educational or training programs?

☐ Yes

☒ No

If yes, please describe current status.

- b. Describe any known wishes or instructions made by the person while capable that relate to his or her preferences about participation in employment, education or training programs.

Ashley has retired from the workforce. I will work towards filling Ashley's days with recreational and social activities.

Plan

- c. Describe the long-term goals (2-6 years) for decisions under this heading.

As above.

- d. Describe the steps you propose to take (within the next 12 months) to achieve the goals under this heading.

As above.

- e. Briefly describe your reasons for these plans.

As above.

Recreational, Social, and Cultural Activities

Background

- a. Describe the activities that the person is involved in (or significant activities that the person was involved in), including hobbies, clubs, affiliations, volunteering.

The LTC facility offers a variety of activities to keep the residents entertained. I will continue to encourage Ashley's involvement in these activities.

- b. Describe any known wishes or instructions made by the person while capable that relate to his or preferences about participation in recreational, social and cultural activities.

I do not possess any previous expressed wishes of my sister.

Plan

- c. Describe the long-term goals (2-6 years) for decisions under this heading.

As above.

- d. Describe the steps you propose to take (within the next 12 months) to achieve the goals under this heading.

To continue to work with the team at the LTC facility.

- e. Briefly describe your reasons for these plans.

We wish to keep Ashley as social and active as her diagnosis will permit.

Social and Support Services

Background

- a. Describe social and support services received by the person within the past year, including any services currently received.

I will work with the team at the LTC facility, and Ontario Health at Home Agency to ensure that all available resources to my sister are accessed.

- b. Describe any known wishes or instructions made by the person while capable that relate to his or her preferences about receipt of social and support services.

No prior wishes expressed.

Plan

- c. Describe the long-term goals (2-6 years) for decisions under this heading.

As above.

d. Describe the steps you propose to take (within the next 12 months) to achieve the goals under this heading.

I will work with the team at the LTC facility and the professionals at Ontario Health at Home Agency for my sister's benefit.

e. Briefly describe your reasons for these plans.

I wish to ensure that my sister's days have the necessary structure and support to make her days pleasurable. I am aware that it was always my sister's intention to travel extensively following her retirement. In light of her diagnosis, I want to ensure that her days are filled with the most enjoyment possible.

Section IV – Additional Information

a. I have consulted with the person for whom guardianship is sought in making this plan.

☒ Yes ☐ No

If no, please provide reasons.

b. I have consulted with the following other people in preparing this plan. (Please provide full names, addresses, telephone numbers and relationship to the person, of the people you consulted with)

1. Last Name			First Name	Middle Initial
Unit Number	Street Number	Street Name		PO Box
City/Town			Province	Postal Code
Home Telephone Number			Relationship to the person LAWYER	

c. If consultation did not occur with any of the persons identified in Section I - B (1) above, provide reasons why.

d. To the best of my knowledge, the person for whom guardianship is sought would not object to any aspect of this guardianship plan.

☐ Yes, would object ☒ No, would not object

If yes, please explain.

e. I am aware of my duty as a guardian of the person to foster the person's independence, to encourage the person's participation in decisions I make on his or her behalf, and to consult with supportive family and friends and caregivers. My plans to do so are as follows.

Subsections 66 (15) and 66 (16) of the *Substitute Decisions Act, 1992* provide:

ss. 66 (15): A guardian shall act in accordance with the guardianship plan.

ss. 66 (16): If there is a guardianship plan, it may be amended from time to time with the Public Guardian and Trustee's approval.

Subsection 67 of the *Substitute Decisions Act, 1992*, provides:

ss. 67: Section 66, except subsection 66 (15) and (16), applies with necessary modifications to an attorney who acts under a power of attorney for personal care.

Subsections 89 (5) and 89 (6) of the *Substitute Decisions Act, 1992*, provide:

ss. 89 (5): No person shall, in a statement made in a prescribed form, assert something that he or she knows to be untrue or profess an opinion that he or she does not hold.

ss. 89 (6): A person who contravenes subsection (5) is guilty of an offence and is liable, on conviction, to a fine not exceeding \$10,000.00

Signature of proposed guardian(s) of the person

Date

Last Name			First Name	Middle Initial
Unit Number	Street Number	Street Name		PO Box
City/Town			Province	Postal Code
Home Telephone Number			Business Telephone Number ext.	

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at London

GUARDIANSHIP PLAN

LAWYER INFO

F

ATTACHED IS EXHIBIT 'F' MENTIONED
AND REFERRED TO IN THE AFFIDAVIT OF

Jane Doe

SWORN BEFORE ME AT THE CITY OF LONDON,
IN THE COUNTY OF MIDDLESEX,
THIS ____ DAY OF _____, 2025

A Commissioner, etc.



ONTARIO
SUPERIOR COURT OF JUSTICE

IN THE MATTER OF THE PROPERTY AND THE PERSON OF ASHLEY DOE

B E T W E E N :

JANE DOE

Applicant

- and -

ASHLEY DOE and THE OFFICE OF THE PUBLIC GUARDIAN AND TRUSTEE
Respondents

Court File No. 12345

A. This Management Plan is provided as part of the application made by:

Full name(s) of applicant

Last Name

Doe

First Name

Jane

Middle Initial

to be appointed as guardian of the property of

Last Name

Doe

First Name

Ashley

Middle Initial

To the best of my knowledge and belief, the assets, liabilities, income and expenditures of (Name of person for whom guardianship is sought)

Last Name

Doe

First Name

Ashley

Middle Initial

at this date are stated below. My plans for managing them and the reasons for these plans are as follows:

B. Land

Type of Address of Property or Properties	Estimated Market Value
123 River Road	\$600,000.00
Total	\$600,000.00

Plan

For each of the above noted properties indicate your plans (e.g., sell at market value, lease at market value, other), the anticipated time frame for completing the transactions, if applicable, and your reasons for these plans.

Once appointed as Guardian of Property for Ashley, I will take immediate steps to have her residence listed for sale on the public market, with the assistance of an accredited real estate agent. The proceeds of sale shall be invested with an Investment Advisor. Any additional funds required to cover Ashley's ongoing monthly living expenses will be drawn from those funds.

C. General Household Items and Vehicles (Give general description for vehicles, list year, model, make.)

Item	Particulars	Estimated Current Market Value
General Household	N/A	N/A
Vehicles		

N/A	N/A
Total	N/A

Plan

Explain your plans for these items

N/A

D. Valuables (including antiques, art, collectibles, jewellery)

Item	Particulars	Estimated Current Market Value
N/A	N/A	N/A
Total		N/A

Plan

Explain your plans for these items (e.g., sell at market value, place in storage, other) and your reasons for these plans.

N/A

E. Savings and Savings Plans:

Category	Institution	Account Number	Current Amount or Value
Bank account	CIBC	****	\$500.00
Total			\$500.00

Plan

Explain your plans for the savings described above (e.g., close current accounts and consolidate in a trust account, deposit cash, maintain savings plans, collapse plans as required to meet ongoing expenditures, etc.) and your reasons for these plans.

Ashley only has one bank account. All of the money on deposit in this bank account belong to Ashley. I understand from my lawyer, John Morrissey, that once I am appointed guardian of property, I must take steps to open a new account, in Ashley's name alone.

Upon my appointment as Ashley's guardian of property, my plan is to notify CIBC that I have been appointed as Ashley's guardian of property. I will provide CIBC with a true copy of the Judgment which appoints me as Ashley's guardian of property. I will advise CIBC that I need to open a new account in Ashley's name, solely. I will be sure to request that CIBC make note of the fact that I am Ashley's guardian of property and that my name is not to be added to the account as a joint account holder and that I have no interest in the money on deposit in the proposed account.

F. Securities and Investments: (include bonds, shares, warrants, options, debentures, notes and any other securities)

Category	Institution	Account Number	Current Amount or Value
N/A	N/A	N/A	N/A
Total			N/A

Plan

Explain your plans with respect to the above-noted securities and investments (e.g., maintain in current form, renew as required, convert, redeem, etc.) and your reasons for these plans.

N/A

G. Accounts Receivable: (include all debts owing to person for whom guardianship is sought)

Particulars	Amount
N/A	N/A

Total	N/A
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Plan

Explain your plans regarding collection of the above-noted debts and your reasons for these plans.

N/A

H. Business Interests: (Show any interests owned by the person for whom guardianship is sought in an unincorporated business. An interest in an incorporated business may be shown here or under Securities)

Name of Firm or Company	Interest	Estimated Current Value
N/A	N/A	N/A
Total		N/A

Plan

Explain your plans regarding the above-noted business interests (e.g., maintain, dissolve, sell, etc.) and your reasons for these plans.

N/A

I. Other Property: (Show any other property owned by the person for whom guardianship is sought and which is not shown above)

Category	Particulars	Estimated Current Market Value
N/A	N/A	N/A
Total		N/A

Plan

Explain your plans for the property described above and the reasons for these plans.

N/A

J. Liabilities: (Show the debts owed by the person for whom guardianship is sought including personal loans, credit card balances, outstanding bills, income tax owing, etc.)

Description of Debt	Particulars	Amount of Debt
N/A	N/A	N/A
Total		N/A

Plan

Explain your plans with respect to these debts and the reasons for these plans.

N/A

K. Income: (Show net income from all sources on an annual basis)

Type of Income	Particulars	Approximate Annual Amount
Pension	OTTP (teacher's pension) CPP	\$54,000.00 \$9,600.00
Employment	N/A	N/A
Interest	N/A	N/A
Rental	N/A	N/A
Business	N/A	N/A

Other		\$
Total		\$63,600.00

Plan

Explain your plans for the collection, deposit and allocation of the income described above.

Ashley's pension payments are deposited into her CIBC account. My plan is to ensure that she continues to receive her pension payments on a monthly basis.

L. Expenses: (Describe the expenses, calculated on an annual basis, which you anticipate will be required to be made on behalf of the person for whom guardianship is sought.)

Expense	Particulars	Approximate Annual Amount
Residential (**)	Property taxes	\$5,000.00
Residential	Long-Term Care (\$4,500.00/month)	\$54,000.00
Utilities (**)	Cable (\$150.00/month \$1,800.00/year) Hydro (\$150.00/month \$1,800.00/year) Gas (\$100.00/month \$1,200.00/year) Internet (\$80.00/month \$960.00/year)	\$5,760.00
Utilities	Cellphone (\$75.00/month)	\$900.00
Recreational/Entertainment	Ashley goes on outings with her support workers each month. (\$500.00/month)	\$6,000.00
Travel	Ashley does not travel	N/A
Personal Care	Monthly hygiene products (\$100/month)	\$1,200.00
Support for Dependents	N/A	N/A
Property Maintenance	N/A	N/A
Gifts	N/A	N/A
Loans	N/A	N/A
Charitable Donations	N/A	N/A
Other	N/A	N/A
Dental Care	Ashley should be attending the dentist at least 3 times a year for regular cleanings and checkups.	\$1,500.00
Clothing	From time to time, Ashley needs new clothing, outdoor wear and footwear.	\$1,000.00
Total		\$75,360.00

Plan

Explain below

- a. *Whether any of the payments described above are of direct or indirect financial benefit to you, a person you live with or to whom you are related. If so, please explain why these payments are necessary and appropriate.*

No payments described above are direct or indirect financial benefit to me, to anyone I live with or to anyone Ashley lives with.

- b. *Whether any significant increases or decreases in the above expenditures are anticipated, or whether any additional expenditures are likely. If so, please explain.*

Ashley is currently covering the expenses for her vacant residence. Once I am appointed, I will take immediate steps to have the residence listed on the public market to be sold. Any expenses associated with the residence (**) will be removed upon the sale of the property.

- c. *Whether the expenditures listed above will adequately meet the personal needs and maximize the enjoyment of life of the person for whom guardianship is sought.*

The expenses listed above provide Ashley with the maximum enjoyment of life available to her.

- d. *If you are planning to make gifts, loans or charitable donations, please explain the reasons why you believe these expenditures are appropriate.*

N/A

- e. *If payments to dependents, or for their benefit, are required please provide details about the nature of these payments and the reasons for them.*

N/A

- f. *Are there any expenditures which others have recommended which you are not planning to make? If so, please explain.*

N/A

M. Legal Proceedings: (Identify any current legal proceedings relating to property to which he or she is a party including any civil or criminal proceedings.)

Nature of Legal Proceedings	Status of Proceedings
N/A	N/A

Plan

Explain below

- a. *Please explain your plans in respect of these proceedings.*

N/A

Do you anticipate that legal proceedings may need to be commenced or defended on the person's behalf in respect of his or her property? If so, please explain

N/A

- b. *What arrangements for legal representation for the person have been made or do you propose?*

N/A

- c. *Are you aware of any existing court orders or judgments which are relevant to the management of the person's property? If yes, describe or attach copies.*

☐ Yes ☒ No

If yes, describe.

N/A

N. Additional Information

- a. *I have consulted with the person for whom guardianship is sought in making this plan.*

☒ Yes ☐ No

If no, please provide reasons.

N/A

- b. *I have consulted with the following other people in preparing this plan.*

I have consulted with my father, my mother, and my lawyer, John Morrissey.

- c. *To the best of my knowledge, the person for whom guardianship is sought would not object to any aspect of this management plan.*

☐ Yes, would object ☒ No, would not object

If yes, please explain.

N/A

- d. *I am aware of my duty to encourage the participation of the person for whom guardianship is sought in decisions I may make and to consult with supportive family and friends and caregivers. My plans to do so are as follows.*

I plan to regularly consult with Ashley and supportive family, and caregivers with respect to decisions made concerning Ashley's property and financial affairs.

- e. *I am aware that I would, as guardian of property, be required to make reasonable efforts to determine whether the person for whom guardianship is sought has a will and, if so, what the provisions of the will are and I am entitled to obtain the incapable person's will. My plans to do so are as follows.*

I am aware that as Ashley's guardian of property, I will be able to obtain a copy of Ashley's Will. I do not believe she has a Will given her circumstances, but I will make reasonable efforts to locate the Will. If she does have a Will, I will familiarize myself with the dispositive provisions of the Will.

- f. *I am aware that I am **not** to dispose of property that I know is subject to a specific testamentary gift in the will of the person for whom guardianship is sought unless the specific testamentary gift is of money or if the disposition of that property is necessary to comply with my duties as guardian of property or to make a gift of the property to the person who would be entitled to it under the will, if the gift is authorized by section 37 of the Substitute Decisions Act, 1992.*

Yes, I am aware.

Subsections 32 (10) and 32 (11) of the *Substitute Decisions Act*, 1992, provide:

ss. 32 (10): A guardian shall act in accordance with the management plan.

ss. 32 (11): If there is a management plan, it may be amended from time to time with the Public Guardian and Trustee's approval.

Subsections 89 (5) and 89 (6) of the *Substitute Decisions Act*, 1992, provide:

ss. 89 (5): No person shall, in a statement made in a prescribed form, assert something that he or she knows to be untrue or profess an opinion that he or she does not hold.

ss. 89 (6): A person who contravenes subsection (5) is guilty of an offence and is liable, on conviction, to a fine not exceeding \$10,000.00

1. Signature of proposed guardian of property			Date
Last Name Doe		First Name Jane	Middle Initial
Unit Number N/A	Street Number 123	Street Name Anywhere Street	PO Box N/A
City/Town London		Province Ontario	Postal Code
Telephone Number			

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at London

MANAGEMENT PLAN

LAYWERS INFO

JANE DOE ASHLEY DOE et al
Applicant and Respondents

Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at London

AFFIDAVIT OF JANE DOE

LAWYER INFO

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)	FRIDAY, THE ____
)	
JUSTICE)	DAY OF _____, 2025
)	

IN THE MATTER OF THE PROPERTY AND THE PERSON OF ASHLEY DOE

B E T W E E N :

JANE DOE

Applicant

- and -

ASHLEY DOE and THE OFFICE OF THE PUBLIC GUARDIAN AND TRUSTEE
Respondents

**APPLICATION UNDER s. 22 and s. 55 of the *Substitute Decisions Act*, 1992,
S.O. 1992, c. 30**

ORDER

THIS APPLICATION was heard this day at 80 Dundas Street, London, Ontario in the presence of counsel for the Applicant, with no one appearing for the Respondent, Ashley Doe, although properly served, as appears from the affidavits of service, filed, and with the Office of the Public Guardian and Trustee submitting its position in writing.

ON READING the Application Record dated January 20, 2024, including evidence filed by the Applicant, Jane Doe, the letter from the Office of the Public Guardian and Trustee dated January 15, 2025, the proposed draft Order, and the Applicant's Bill of Costs dated January 18, 2025, all of which have been filed, and on hearing the submissions of counsel for the Applicant,

1. **THIS COURT DECLARES** that the Respondent, Ashley Doe, who was born November 4, 1961, is incapable of managing property and that, as a result, it is necessary for decisions to be made on her behalf by a person who is authorized to do so.

2. **THIS COURT ORDERS** that Jane Doe, who was born December 25, 1968, shall be and is hereby appointed as Ashley Doe's Guardian of Property.

3. **THIS COURT ORDERS** that Jane Doe Management Plan dated January 2, 2025, attached hereto as **Schedule "A"** shall be and is hereby approved and that Jane Doe shall act in accordance with the Management Plan.

4. **THIS COURT ORDERS** that Jane Doe shall serve and file an Amended Management Plan on the Public Guardian and Trustee for approval pursuant to section 32(11) of the *Substitute Decisions Act, 1992*, S.O. 1992, c. 30, within thirty (30) days of any material change in Ashley Doe's circumstances.

5. **THIS COURT ORDERS** that the reasonable legal fees incurred by Jane Doe with respect to updating, serving, and filing any Amended Management Plans shall be paid from Ashley Doe's property.

6. **THIS COURT ORDERS** that Jane Doe shall commence an application to pass her accounts as Ashley Doe's guardian of property within six (6) months of the two-year anniversary date of this Judgment and thereafter as ordered by the Court. Such passing of accounts shall comply with Rules 74.14 to 74.18 of the *Rules of Civil Procedure*.

7. **THIS COURT DECLARES** that Ashley Doe is incapable of personal care, specifically in respect of her own health care, nutrition, shelter, clothing, hygiene, and safety, and that as a result, decisions need to be made on her behalf by a person who is authorized to do so.

8. **THIS COURT ORDERS** that Jane Doe shall be appointed as Ashley Doe's guardian of the person.

9. **THIS COURT ORDERS** that Jane Doe's Guardianship Plan, dated January 2, 2025, attached hereto as **Schedule "B"** is approved and that Jane Doe shall act in accordance with the Guardianship Plan.

10. **THIS COURT ORDERS** that Jane Doe shall serve and file an amended Guardianship Plan on the Public Guardian and Trustee for approval pursuant to section

66(16) of the *Substitute Decisions Act*, 1992, S.O. 1992, c. 30, within 30 days of any material change in Ashley Doe's circumstances.

11. **THIS COURT ORDERS** that the reasonable legal fees incurred by Jane Doe with respect to updating, serving, and filing any Amended Guardianship Plans shall be paid from Ashley Doe's property.

12. **THIS COURT ORDERS** that Jane Doe, as guardian of the person of Ashley Doe, may make decisions about Ashley Doe's health care, nutrition, hygiene, employment, education, training, clothing, recreation, and about any social services provided to her.

13. **THIS COURT ORDERS** that Jane Doe, as full guardian of the person of Ashley Doe, may exercise custodial powers over Ashley Doe, determine her living arrangements and provide for her shelter and safety.

14. **THIS COURT ORDERS** that Jane Doe, as full guardian of the person and property of Ashley Doe, may act as her litigation guardian except in respect of litigation that relates to Jane Doe's status or powers as Ashley Doe's guardian of person and property.

15. **THIS COURT ORDERS** that Jane Doe, as full guardian of the person and property of Ashley Doe, may settle claims and proceedings on Ashley Doe's behalf except for claims and proceedings that relate to Jane Doe's status or powers as Ashley Doe's guardian of person and property.

16. **THIS COURT ORDERS** that Jane Doe shall have full access to personal information, including health information and records, to which Ashley Doe could have access if capable, and that further Jane Doe may consent to the release of that information to another person, except for the purpose of litigation that relates to Jane Doe's status or powers as Ashley Doe's guardian of person and property.

17. **THIS COURT ORDERS** that Jane Doe is not required to post security.

18. **THIS COURT ORDERS** that a factum is not required in this Application.

19. **THIS COURT ORDERS** that Jane Doe's costs with respect to this proceeding shall be paid from the property of the Respondent, Ashley Doe, on a full indemnity basis, fixed in the amount of \$_____, inclusive of legal fees, taxes, and disbursements.

20. **THIS COURT ORDERS** that the Public Guardian and Trustee's fee for reviewing this application, as approved by the Attorney General, in the amount of \$250.00 plus HST of \$32.50, shall be paid forthwith to the Public Guardian and Trustee from the property of Ashley Doe.

JANE DOE ASHLEY DOE et al
Applicant and Respondents

Court File No.: 12345

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at London

ORDER

LAWYER INFO

JANE DOE ASHLEY DOE et al
Applicant and Respondents

Court File No.: 12345

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at London

APPLICATION RECORD

LAWYER INFO