



Consent and Capacity Board

Review of Capacity to Give or Refuse Consent to Admission and/or Personal Assistance Services (Form A)

Review of Capacity to Make Decision with Respect to Admission to a Care Facility or Personal Assistance Services (Form A)

An evaluator may find that you are incapable of making decisions about personal assistance services or admission to a care facility. Someone else, usually a family member, will then be asked to make the decision on your behalf. If this happens, you may be entitled to apply to the Consent and Capacity Board for a review of this finding.

What is a “care facility”?

A nursing home or home for the aged or any other residential facility recognized by the government as a care facility.

What is a “personal assistance service”?

The supports that you may need on a regular basis including help with such things as grooming, eating and drinking, washing and hygiene.

What is an “evaluator”?

An evaluator is a health professional or other person who is authorized to make decisions about your capacity to consent to personal assistance services or admission to a care facility.

Who makes decisions about my personal care services or my admission to a care facility?

If you are capable, you may make your own decisions. If an evaluator finds that you do not understand the relevant information and that you are unable to appreciate what could happen as a result of making or not making a decision, then you will be considered to be incapable. If you are found to be incapable, someone else, usually a member of your family, will be asked to make the decision for you.

If you have a Guardian of the Person or an Attorney for Personal Care with the required authority, he or she will make the decision for you. If you do not, you may apply to the Board to have someone appointed to make the decisions for you. If no one who is authorized to make the decision is available, the Public Guardian and Trustee will be asked to make it.

How will I know that I have been found incapable?

You will be told if a finding of incapacity has been made. If you are receiving personal assistance services without your consent or if you may be or have been admitted to a care facility without your consent, you probably have been found to be incapable. Ask a health practitioner, care giver or placement coordinator.

If you have questions or concerns, ask a staff member to have someone give you more information.

How do I apply to the Board?

Fill out an application (Form A) and send it to the Board. You may ask someone to help you do this. The form may be available where you found this information sheet. You may also be able to get the form from a hospital or other facility.

If you cannot find a form you may call the Board for help or check our web site at www.ccboard.on.ca. If you are under 18 years of age you may call the Child and Family Service Advocacy Office at 1-800-263-2841.

Do I need a lawyer at the hearing?

It may be a good idea to have a lawyer represent you but you do not have to have one. You may contact a lawyer on your own or through the Lawyer Referral Service. Their number is listed in the White Pages under The Law Society of Upper Canada and in the Yellow Pages under Lawyer Referral Services. If you are in a psychiatric facility, you may also ask to speak with a rights adviser. The rights adviser can explain your rights, help you to apply to the Board and help you find a lawyer. You may be entitled to a Legal Aid lawyer free of charge.

In some cases, the Board can order that legal representation be arranged for you before the hearing is scheduled. If you come to the hearing without a lawyer, the Board may order that legal representation be arranged for you.

When and where will the hearing be?

You will receive a notice from the Board with the time and place of the hearing. The hearing may take place in the facility where you reside or receive treatment or at some other convenient place. The hearing will usually be held within one week after the Board receives your application.

Who are the parties to the hearing?

You and the evaluator who made the finding of incapacity are parties. The person responsible for your personal assistance services or your admission to the care facility will also be a party. The Board may also name other parties.

What will happen at the hearing?

Each party may attend the hearing and invite anyone they want. Each party may have a lawyer, call witnesses and bring documents. Each party as well as the Board members may ask questions of each witness. At the end of the hearing each party will be invited to summarize and the meeting will end.

How will the Board make its decision?

The Board will base its decision on whether or not it believes that you are able to understand the information relevant to making the required decision and whether or not you are able to appreciate the potential consequences of making or not making a decision.

What happens after the hearing?

The Board will deliberate in private and will issue its decision within one day. The Board may also provide written reasons explaining its decision. Written reasons will be issued if any of the parties request them within thirty days of the hearing.

If the Board decides that you are capable, you can make your own admission or personal care decisions. If the Board decides that you are incapable, someone else will make these decisions for you.

Can I appeal the Board's decision?

You can appeal the decision by the Board to the Superior Court of Justice.

Contact Us

If you would like to contact the Board or fax an application, please use the numbers below:

CCB Numbers
Greater Toronto Area Phone: (416) 924-4961 Fax: (416) 924-8873
Outside Greater Toronto Area Phone: 1-866-777-7391 (Toll Free) Fax: 1-866-777-7273 (Toll Free)

