



Consent and Capacity Board

Applying to the Board to Be Appointed a Representative to Make Decision with Respect to Treatment, Admission to a Care Facility and/or Personal Assistance Services (Form B)

Application to have a Representative Appointed (Form B)

If you are at least sixteen years old and have been found incapable of making decisions with respect to treatment, admission to a care facility or personal assistance services you may be able to apply to the Consent and Capacity Board for a hearing to have a representative appointed to give or refuse consent on your behalf. The proposed representative must be at least 16 years of age and be capable of making the required decisions. The Board cannot appoint a representative if you already have a court appointed guardian of the person or attorney for personal care with the authority to make the required decision.

Whenever an application of this type is received, the law provides that the patient is deemed to have applied for a review of his or her capacity to make the relevant decision. This does not apply if the Board has determined this issue of capacity within the previous six months.

What can a representative do?

Depending on the circumstances, the Board may appoint the representative to make just the decision currently required or it may authorize the representative to make a wider range of decisions related to treatment, or admission, or personal assistance services.

Unless you object, the Board may impose conditions or time limits on the appointment or may appoint someone other than the person you originally suggest. The Board may revoke or amend the appointment at any time.

What will happen if I don't apply to have a representative appointed?

If you have been found incapable of consenting to treatment, admission to a care facility or personal assistance services, the decision will be made for you by someone else according to a priority list in the law. This is usually your closest family member unless you have a guardian under the Substitute Decisions Act or have given someone a power of attorney for personal care. If no one is available and willing to assume the responsibility or, sometimes, if there is more than one person and they disagree, the decision will be made by the Public Guardian and Trustee.

Why would I apply?

The law determines who will be asked to make decisions on your behalf. If you would like someone else to have that responsibility, you can apply to the Board to have a different person appointed.

How do I apply?

Fill out an application (Form B) and send it to the Board. You can fill out the form by yourself or with someone else's help. The form may be available where you found this information sheet. You may also be able to get the form at a hospital, other facility or from a rights adviser. If you cannot find a form or if you do not know how to send the form to the Board, you may call the Board for assistance or check our web site at www.ccboard.on.ca.

How do I find a rights adviser?

Rights advisers are available to patients in psychiatric facilities. If you are a psychiatric patient and you want to apply for a hearing or if you have any questions, it is a good idea to talk to a rights adviser. A health practitioner or someone else working in the hospital can help you to contact the rights adviser.

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. 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 will take place in the facility where you reside or receive treatment or at some other place close to where you are. The hearing will usually be held within one week after the Board receives your application.

Who are the parties to the hearing?

The parties are you, the proposed representative, your spouse, partner, parents, children and brothers and sisters. If you are a young person and someone is legally authorized to make treatment decisions for you in place of your parents, that person will also be a party to the hearing. Depending on the issue in question, a health practitioner or other service provider will also be a party to the hearing.

What will happen at the hearing?

All of the parties have a right to attend the hearing. 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 Presiding Member will then end the meeting.

The Board will only appoint a representative if that person agrees, and if the appointment is in your best interest. Unless you object the Board may make the appointment subject to conditions and may appoint someone other than the person you have requested.

What happens after the hearing?

The Board will meet in private to make its decision and will issue the 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. This request must be made within thirty days of the hearing.

Can the Board's decision be appealed?

The Board's decision may be appealed 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)

