



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 C)

Applying to the Board to be Appointed a Representative (Form C)

If a person has been found incapable of making a decision with respect to a treatment, admission to a care facility or personal assistance service, you may apply to the Consent and Capacity Board to be appointed as the representative to give or refuse consent on that person's behalf.

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.

Who may apply to be appointed as a representative?

Anyone who is at least 16 and capable with respect to the required decisions. The Board will only consider appointing you if a relevant finding of incapacity has been made and if the incapable person does not object.

A representative may not be appointed if the incapable person already has a guardian of the person or attorney for personal care with the authority to make the required decision or decisions.

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 the person who has been found to be incapable objects, the Board may impose conditions or time limits on the appointment or may appoint someone other than you.

The Board may amend or revoke the appointment at any time.

What will happen if a representative is not appointed?

If a person is incapable of making a decision with respect to treatment, admission to a care facility or personal assistance services the decision may be made by someone else according to a priority list in the law. This is usually the person's closest family member unless there is a guardian of the person or a power of attorney for personal care with a necessary authority.

If none of these people are available and willing to assume the responsibility or, sometimes, if they disagree, the treatment decision will be made by the Public Guardian and Trustee.

How do I apply?

Fill out an application (Form C) and send it to the Board. The form may be available where you found this information sheet, or at a hospital or other facility. If you cannot find a form you may call the Board for assistance 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 are not required 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.

Who are the parties to the hearing?

The parties to the hearing are you, the incapable person and her or his spouse, partner, parents, children and brothers and sisters and anyone else who is authorized to make treatment decisions for the incapable person in place of his or her parents. 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 the right to attend the hearing and to 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 Presiding Member will then end the meeting.

The Board will make the appointment only if it is in the incapable person's best interests to do so. If the incapable person does not object, the Board may make the appointment subject to conditions or may appoint someone other than you.

What happens after the hearing?

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

Can the Board's decision be appealed?

Any of the parties may appeal the Board's decision 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)

