



Consent and Capacity Board

Applying to the Board for Directions (Form D)

www.ccboard.on.ca

Applying to the Board for Directions (Form D)

This application may only be made if the person previously expressed wishes with respect to the matter but you are uncertain about the nature of the wishes or their validity.

You may be able to apply to the Consent and Capacity Board for directions if:

- √ You have assumed responsibility for giving or refusing consent on behalf of a person who is incapable with respect to treatment, a personal assistance service or admission to a care facility.
- √ You are the health care provider for the incapable person and you have notified the person who assumed responsibility for giving or refusing consent before the application is made.

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.

In what circumstances may I ask for directions?

You may apply for directions if you are aware of a past wish expressed by the incapable person with respect to treatment, a personal assistance service or admission to a care facility and any of the following situations apply:

- √ The wish is not clear
- √ It is not clear if the wish applies to present circumstances
- √ It is not clear if the person was capable when the wish was expressed, or
- √ It is not clear if the wish was expressed when the person was at least 16 years old.

How do I apply to the Board?

Fill out an application (Form D) 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, at 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.

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.

When and where will the hearing be?

You will receive a notice from the Board with the time and place for the hearing. The hearing will usually take place within a week after the Board receives the application and will usually be held close to where the incapable person is located. If the person is in an institution, the hearing will probably be held there.

Who are the parties to the hearing?

The parties to the hearing are usually you, the person who has been found incapable with respect to this matter and the health practitioner or other service provider.

What will happen at the hearing?

Each party may attend the hearing and invite anyone they want. Each party may call witnesses and give the Board 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.

What happens after the hearing?

The Board will meet in private to make its decision.

Within one day of the hearing, the Board will issue written directions to you or will inform you that it will not be issuing directions. The Board's decision and the directions will be based on the principles found in the Health Care Consent Act.

The Board may also issue written reasons explaining its decision. Written reasons will be provided 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)

