

Expert to discuss power of powers of attorney at seminar

By Atara Beck
Tribune Staff Writer

TORONTO – There's a wealth of crucial information on caring for the elderly that's unknown to a great many people in that position.

A worthwhile seminar – *Insights on Aging and the Elderly* – will be held at Beth Tzedec Congregation, sponsored by the synagogue, Scotia Private Client Group and B'nai Brith Canada. The seminar has been

organized as a service to the community and its aging population.

Ian Hull, of Hull and Hull LLP, is a leading expert on estates, trusts and wills. One of four guest speakers, he'll discuss Ontario's statutory framework with respect to powers of attorney, based on the Substitute Decisions Act of Ontario, as well as the practical and procedural issues involved when the elderly have lost their capacity and a statutory guardian must be

appointed.

"When the act came out, people became nervous. They worried that if they didn't have a power of attorney, the government would take away their estates," Hull explained.

"What issues surround the power of attorney?" he continued. "For example, in what capacity does one need it? When do you become mentally frail enough?"

One of Hull's recommendations is a 'springing power of

attorney,' which enables the power of attorney to act on a person's behalf only when required – for instance, when there's a letter from a physician stating the necessity.

"One doesn't suddenly become incapable," Hull said. "They pass through a grey zone, which may lead to tugs and pulls from family members and caregivers. We talk about capacity law from a legal viewpoint. We have to determine capacity.

"Power of attorney is a blank cheque. People don't realize how important a document it is and how much of an impact it can have on one's life, for both the power of attorney and the person represented. People

underestimate that. It impacts both sides."

Hull warned that without the proper documents, "it can become lethal in the court room. For instance, why is Johnny more suitable than Betty to be the power of attorney? You really want to prevent that."

According to Hull, "it's contentious capacity insurance. Arthur Fish, a great lawyer, calls it 'cheap insurance.' Better to arrange it when you don't need it. That's what I do. Capacity is tremendously emotional and outrageously expensive, dealing not only with money, but with a person's liberty."

Speaking of "a person's liberty," the seminar will also feature

Beth Tzedec's Rabbi Roy Tanenbaum, who will discuss *halachic* (Jewish legal) issues with respect to the desire for independence versus family concerns. Charles Wagner, chair of B'nai Brith Canada's Trust & Estates Group, and Dr. Nathan Herrmann, head of Geriatric Psychiatry at Sunnybrook Health Sciences Centre, will also address the audience.

The program takes place Thursday, March 27, 7 p.m. at Beth Tzedec. Admission is \$10 to the Beth Tzedec Chessed Committee.

For information or to register, call Hyla Reichmann at (416) 633-6224, ext. 128, or email hreichmann@bnaibrith.ca



Ian Hull, of Hull and Hull LLP, a leading expert on estates, trusts and wills, will discuss Ontario's statutory framework with respect to powers of attorney at a seminar at Beth Tzedec, March 27.