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The importance of a power of attorney and your University of Ottawa Pension Plan

A continuing power of attorney

A power of attorney (POA) is a legal document that is part of your estate planning. It gives someone else (a mentally competent relative, friend or another person over the age of 18, often your spouse or an adult child) the right and authority to act on your behalf on different life issues if you become incapacitated, keeping your wishes in mind. Drafting this document is voluntary, but of great importance if you are no longer able to deal with your financial matters in the future. The power of attorney does not replace your last will and testament, which covers the distribution of your property after you die.

The continuing power of attorney for property and the appointed attorney (the person or persons you trust and have chosen to act on your behalf) help you handle your pension and financial matters if you become mentally incapable of managing property.

If you do not have an attorney or a guardian appointed for your personal financial matters, the government will act as a substitute decision-maker of last resort. All power of attorney terminates at the time of your death, at which time the executor takes over.

There are different kinds of power of attorney. Visit the Ministry of the Attorney General website at www.attorneygeneral.jus.gov.on.ca for more information or call at 1-800-366-0335 or 416-314-2800.

Someone appointed as an attorney can

- Look after your bank accounts
- Pay your bills and your taxes
- Manage your real estate and investments
- Request that additional taxes be withheld from your pension
- Change your mailing address or redirect University of Ottawa Pension Plan documents
- Make most other pension-related transactions

Someone appointed as an attorney cannot

- Change your life insurance designations
- Change or designate beneficiaries under the University of Ottawa Pension Plan

Required documents

In order to take direction from the power of attorney appointee and to certify the authenticity of the power of attorney, the University of Ottawa Pension Plan Administrator requires an original or notarized copy of an acceptable power of attorney. To deal with your attorney, we require proof of his or her identity. Without your power of attorney, the University of Ottawa Pension Plan Administrator cannot carry out requests from your spouse, an immediate family member or another person, or even release information to either of them.

Restrictions on the attorney's powers, if any, should be contained in the written document itself. If your POA states that proof of your disability is required before your attorney can make decisions, we require this proof before we can deal with the person you have appointed. For administrative purposes and in order to release confidential information, a letter from your doctor or another trusted person stating that you are no longer mentally capable of managing property is required.

For more detailed information, please refer to *Powers of Attorney and Living Wills: Questions and Answers*, published by the Office of the Public Guardian and Trustee.

Due to the importance of this matter, you may want to share information on your POA with your family or friends. It is also a good idea to consult a lawyer and other expert advisers. A lawyer can advise you on specific conditions, limitations and other issues to consider in setting up a power of attorney that meets your needs and circumstances.

The power of attorney should be kept in a safe place, in case of fire or theft.

If there is no power of attorney in place and you become mentally incapable of making pension decisions, your family may be required to seek legal advice in order to make necessary arrangements. The University of Ottawa Pension Plan Administrator cannot accept changes to your file without the proper official documents. Please be advised that the University Of Ottawa Pension Plan Administrator cannot provide you with legal advice.

NOTE: In Quebec, a power of attorney for property is called a "mandate in anticipation of incapacity." It gives powers to the "mandatary" similar to those outlined for an appointed attorney in Ontario.

For more information, contact Human Resources, Pension Sector:

By phone

Employees and former employees: 613-562-5800 ext.1206

Retirees: 613-562-5800 ext.1747

Email: pension@uOttawa.ca

In person: Tabaret Hall, Room 019

You can also visit the Ministry of the Attorney General website at www.attorneygeneral.jus.gov.on.ca for a free *Power of Attorney Kit* from the Ontario's Office of the Public Guardian and Trustee. As well, you can call the Ministry of the Attorney General at 1-800-366-0335 or 416-314-2800.

Privacy and your personal information

The University is committed to maintaining and protecting the confidentiality and privacy of your personal information. Only authorized employees whose official duties so require are allowed to access, modify or disclose your information. We keep your information only for as long as required by law or to satisfy the purposes for which it was collected. When your personal information is no longer required, we take the precautions required to eliminate it. For more information, go to www.uOttawa.ca/privacy.

This fact sheet is for general information purposes only and is not intended to provide you with any personalized financial, insurance, legal, accounting, tax or other professional advice. While the University of Ottawa has made every effort to ensure the accuracy of the information, complete details are contained in policies, documents, contracts, pension plan texts and applicable legislation. In the event of inconsistencies or errors, these official documents govern the operation of the Pension Plan and take precedence over the information in this fact sheet.