

ONTARIO
SUPERIOR COURT OF JUSTICE

IN THE MATTER OF THE PROPERTY AND PERSONAL CARE OF *

B E T W E E N:

*

Applicant

and

*, *, and

THE PUBLIC GUARDIAN AND TRUSTEE

Respondents

Application under the *Substitute Decisions Act*, 1992, S.O. 1992, C. 30,
Sections 22 and 55

MANAGEMENT PLAN

A. This management plan is provided as a part of the application made by [REDACTED],
[REDACTED] to be appointed as guardian of the property of [REDACTED]. To the best of
my knowledge and belief, the assets, liabilities, income and expenditures of [REDACTED]
[REDACTED] at this date are as stated below. My plans for managing them and the reasons for
these plans are as follows:

A. Land:

Type and address of property or properties

Estimated Market Value

*Kitchener, Ontario *

\$578,000

TOTAL:

_____ \$

Plan:

Both my father and mother are the owners of this property, jointly.

My mother, *, still lives in this house. When my father is placed in to Long-Term Care (“LTC”), it will be my mother's choice whether she wants to sell this house and, depending on where my father is placed, move closer to him. If sold, the new property will be placed in joint tenancy with my father.

For each of the above noted properties include your plans (eg. Sell at market value, lease at market value, other), the anticipated time frames for completing the transactions, if applicable and your reasons for these plans.)

General Household Items and Vehicles:

Give general description for vehicles, list year, model, make.

Item	Particulars	Estimated Current Market Value
None.		
TOTALS:		_____ \$

Plan:

Explain your plans for these items (eg. retain for use of person for whom guardianship is sought, sell at market value, place in storage, gift, other) and your reasons for these plans:

n/a

B. Valuables (including antiques, art, collectibles, jewellery):

(including antiques, art, collectibles, jewellery)

Item	Particulars	Estimated Current Market Value
None.		
TOTAL:		_____ NIL

Plan:

Explain your plans for these items (eg. Sell at market value, place in storage, other) and your reasons for these plans:

n/a

C. Savings and Savings Plans:

Include cash, assets in financial institutions, registered retirement or other savings plans, deposit receipts, pension plans etc.

Category	Institution	Account Number	Current Amount or Value
Savings	Toronto-Dominion Bank	*	\$28,000
RIF	Toronto-Dominion Bank	*	\$70,000
TFSA	Toronto-Dominion Bank	*	\$47,000
		TOTAL:	\$145,000.00

Plan:

Explain your plans for the savings described above (eg. Close current accounts and consolidate in a trust account, deposit cash, maintain savings plans, collapse plans as required to meet ongoing expenditures) and your reasons for these plans:

These funds will be kept in the accounts in which they are presently deposited and only used as necessary in the best interests of my father.

As a guardian of property, I will monitor the market place and invest as a prudent investor pursuant to the *Trustee Act*, R.S.O. 1990, c. T.23, as amended, and specifically will consider the following criteria in planning the investment of these assets, in addition to any others that are relevant to the circumstances:

1. General economic conditions.
2. The possible effect of inflation or deflation.
3. The expected tax consequences of investment decisions or strategies.
4. The role that each investment or course of action plays within the overall trust portfolio.
5. The expected total return from income and the appreciation of capital.
6. Needs for liquidity, regularity of income and preservation or appreciation of capital.
7. An asset's special relationship or special value, if any, to the purposes of the trust or to one or more of the beneficiaries.

D. Securities and Investments:

Include bonds, shares, warrants, options, debentures, notes and any other securities:

Category	Number	Description	Estimated Current Market Value
None			
TOTAL:			<hr/> Nil

Plan:

Explain your plans with respect to the above noted securities and investments (eg. Maintain in current form, renew as required, convert, redeem, etc.) and your reasons for these plans:

n/a

E. Accounts Receivable:

Include all debts owing to person for whom guardianship is sought:

Particulars	Amount
None	
TOTAL:	<hr/> Nil

Plan:

Explain your plans regarding collection of the above noted debts and your reasons for these plans:

n/a

F. Business Interests:

Show any interests owned by the person for whom guardianship is sought in an unincorporated business. An interest in an incorporated business may be shown here or under Securities.

Name of Firm or Company	Interest	Estimated Current Value
None.		
TOTALS:		<hr/> Nil

Plan:

Explain your plans regarding the above noted business interests (eg. maintain, dissolve, sell, etc.) and your reasons for these plans:

n/a

G. Other Property

Show any other property owned by the person for whom guardianship is sought and which is not shown above.

Category	Particulars	Estimated Current Market Value
None		
TOTALS:		<hr/> Nil

Plan:

Explain your plans for the property described above and the reasons for these plans.

n/a

H. Liabilities:

Show the debts owed by the person for whom guardianship is sought including personal loans, credit card balances, outstanding bills, income tax owing, etc.

Description of Debt	Particulars	Amount of Debt
None		
TOTALS:		<hr/> Nil

Plan:

Explain your plans with respect to these debts and the reasons for these plans.

n/a

I. Income:

Show net income from all sources on an annual basis.

Type of Income	Particulars	Approximate Annual Amount
Pension	CPP & OAS combined	\$21,000
	TOTAL:	\$21,000

Plan:

Explain your plans for the collection, deposit and allocation of the income described above:

Direct deposit to the LTC home and/or into my father's Savings Account.

J. Expenses:

Describe the expenses, calculated on an annual basis, which you anticipate will be required to be made on behalf of the person for whom guardianship is sought.

Expense	Particulars	Approximate Annual Amount
Residential	Property taxes	\$3,000.00
Utilities		\$3,000.00
Recreational / Entertainment		
Travel		
Personal Care	Groceries	\$1,800.00
Support for Dependents		
Property Maintenance		\$480.00
Gifts		
Loans		
Charitable Donations		
Other		
	TOTAL:	\$8,800.00

Plan:

Explain below:

- (a) **Whether any of the payments described above are of direct or indirect financial benefit to you a person you live with or to whom you are related. If so, please explain why these payments are necessary and appropriate:**

Some of these charges deal with realty in joint tenancy with my mother.

- (b) **Whether any significant increases or decreases in the above expenditures are anticipated or whether any additional expenditures are likely. If so, please explain:**

Currently my mother is covering the household expenses, splitting them between her savings and my father's savings. These expenses are expected to increase. Basic LTC costs \$1,819.53 per month at a Provincially run home, but my father would not be included in the Grocery bill.

I will apply for a Rate Reduction respecting LTC based on my father's income.

- (c) **Whether the expenditures listed above will adequately meet the personal needs and maximize the enjoyment of life of the person for whom guardianship is sought:**

Yes.

- (d) **If you are planning to make gifts, loans or charitable donations, please explain the reasons why you believe these expenditures are appropriate:**

No gifts, loans or charitable donations will be made.

- (e) **If payments to dependents, or for their benefits, are required please provide details about the nature of these payments and the reasons for them:**

No.

- (f) **Are there any expenditures which others have recommended which you are not planning to make? If so, please explain:**

No.

K. Legal Proceedings

Identify any current legal proceedings relating to property to which he or she is a party including any civil or criminal proceedings.

Nature of Legal Proceedings

Status of Proceedings

None.

Plan:

n/a

L. Additional Information:

- (a) **I have consulted with the person for whom guardianship is sought in making this plan:**

Yes

No

If yes, describe:

- (b) **I have consulted with the following other people in preparing this plan:**

My sister *.

- (c) **To the best of my knowledge, the person for whom guardianship is sought would not object to any aspect of this management plan: (check one)**

Yes

No

If yes, please explain:

- (d) **I am aware of my duty to encourage the participation of the person for whom guardianship is sought in decisions I may make and to consult with supportive family and friends and caregivers. My plans to do so are as follows (briefly describe):**

I would be happy for the input and advice of my mother and sister on an ongoing basis.

- (e) **I am aware that I would, as guardian of property, be required to make reasonable efforts to determine whether the person for whom guardianship is sought has a will and, if so, what the provisions of the will are and I am entitled to obtain the incapable person's will. My plans to do so are as follows:**

Once authorized, I will obtain a true copy of my father's Will from my mother of his lawyer.

- (f) **I am aware that I am not to dispose of property that I know is subject to a specific testamentary gift in the will of the person for whom guardianship is sought unless the specific testamentary gift is of money or if the disposition of that property is necessary to comply with my duties as guardian of property or to make a gift of the property to the person who would be entitled to it under the will, if the gift is authorized by section 37 of the Substitute Decisions Act, 1992.**

Yes.

SUBSECTIONS 32(10) AND 32(11) OF THE SUBSTITUTE DECISIONS ACT, 1992 PROVIDE:

ss. 32(10): A GUARDIAN SHALL ACT IN ACCORDANCE WITH THE MANAGEMENT PLAN.

ss. 32(11): IF THERE IS A MANAGEMENT PLAN, IT MAY BE AMENDED FROM TIME TO TIME WITH THE PUBLIC GUARDIAN AND TRUSTEE'S APPROVAL.

SUBSECTIONS 89(5) AND 89(6) OF THE SUBSTITUTE DECISIONS ACT 1992, PROVIDE:

ss. 89(5): NO PERSON SHALL, IN A STATEMENT MADE IN A PRESCRIBED FORM, ASSERT SOMETHING THAT HE OR SHE KNOWS TO BE UNTRUE OR PROFESS AN OPINION THAT HE OR SHE DOES NOT HOLD.

ss. 89(6): A PERSON WHO CONTRAVENES SUBSECTION (5) IS GUILTY OF AN OFFENCE AND IS LIABLE, ON CONVICTION, TO A FINE NOT EXCEEDING \$10,000.00.

Date: **March ,2019**

*

Address: *

Telephone: *