

Heiltsuk Communication - SOK Settlement Agreement

Re: Eligible Members with Mental Incapacity No Power of Attorney or Representation Agreement

This Heiltsuk Communication is for Heiltsuk members who is entitled to get a payment under the Gernyn Settlement Agreement and do not have the mental capacity to make their own decisions. We refer to these members as “Entitled Members” in this communication.

1. When to Use this Communication

Use this Communication for information on how to request payment if the all of the following are true:

- Eligible Member is mentally incapable of managing their own affairs.
- Eligible Member was on the Heiltsuk band list on July 16, 2019, or was entitled to automatic registration on the Heiltsuk band list as of July 16, 2019.
- Eligible Member does not have a valid Power of Attorney or Representation Agreement.

2. Documents Needed

HTC will need proof of who is authorized to manage the Eligible Member’s payment. There are two main options. HTC will require the document listed under ONLY ONE of the following options:

Document Option 1 Certificate of Incapability

One option when a person is incapable of managing their own affairs is to get a Certificate of Incapability issued by the British Columbia Public Guardian and Trustee. That Certificate will show who has been appointed. Sometimes it is a family member or friend. Sometimes it is a representative of Indigenous Services Canada and sometimes it is someone from the Public Guardian and Trustee office.

Under this option, HTC will require a copy of the following document:

- Certificate of Incapability from the BC Public Guardian and Trustee

The Certificate must show the name of the person who has been appointed to administer the estate of the Eligible Member. That person might be:

- a private individual like a family member or friend;
- someone from Indigenous Services Canada if it is determined that the Eligible Member is ordinarily resident on reserve;
- an officer of the Public Guardian and Trustee; or
- anyone else approved by the BC Public Guardian and Trustee.

To get this document, you need to contact the BC Public Guardian and Trustee. For information about how to help vulnerable adults who are Eligible Members, please contact:

BC Public Guardian and Trustee
Assessment and Investigation Services
Toll free Tel: 1-877-511-4111
Local Tel: 604-660-4507
Toll free Fax: 1-855-660-9479
Local Fax: 604-660-9479
Email: AIS-PDS@trustee.bc.ca

If you think the Eligible Member might be ordinarily resident on reserve, you could also contact Indigenous Services Canada for assistance. For information, please contact:

Heiltsuk Estates Officer
Indigenous Services Canada, BC Regional Office, Estates Unit
1138 Melville Street, Suite 600, Vancouver, BC V6E 4S3
Phone: (local) 604-775-5100
Phone: (toll-free) 1-800-567-9604

Document Option 2

Court Ordered Appointment of Committee

If an individual (for example a friend of family member) has been appointed as committee to manage the Eligible Member's affairs, HTC will require the following document:

- Court Order Appointment of Committee

This document is issued by the Court. Getting the Court Order required in Option 2 will require you to work with an independent lawyer. Attached on page 3 is a list of potential lawyers that you may wish to use.

3. General Information

For general information, contact:

Councillor Louisa Jones Housty
Heiltsuk Tribal Council Administration Office
Tel.: (250) 957-2381
Email: Louisa.Jones@heiltsuk.ca

Law Firms

*The following are a list of law firms that provide the above types of legal services for getting the Court-Ordered Committee in Option 3. **This is not a recommendation** it is meant for your consideration only. HTC has not used any of these firms and cannot be held responsible for the service they provide. Each person using a lawyer will be responsible for their own legal fees.*

Vancouver

1. Munro & Crawford, 5670 Yew Street, Phone: (604) 266-7174, Email: abeesley@munrocrawford.ca
2. SheBeare Law, 400-1681 Chestnut Street, Phone: (778) 331-8868, Email: Monique@shebearelaw.com

Victoria

1. Mullen DeMeo Wirk, 1626 Garnet Rd, Phone: (250) 477-3327, Website: <https://www.realestatelawvictoria.com/>, Email: paul@mdlawcorp.com

Nanaimo

1. Merrill Long & Co, 201 Milton Street, Phone: (250) 754-4441, Email: Phillip@merrill-long.com

Prince Rupert

1. Johnston Law, # 7 222 3 Ave W, Phone: (250) 6224-2106

For Low-Income Seniors:

1. Low-income seniors in BC may contact Seniors First BC to see if they qualify for free legal services, Phone: (local) 604-437-1940, Phone: (toll-free) 1-866-437-19940, Website: <http://seniorsfirstbc.ca/programs/legal-programs/>

General Referral Service in BC:

1. Any British Columbian may use Access Pro Bono's Lawyer Referral Service by calling 1-800-663-1919 or (604) 687-3221 (in Metro Vancouver) from Monday to Friday—8:30am to 5:00pm. They may also email lawyerreferral@accessprobono.ca