



RECOGNITION OF POWERS OF ATTORNEY / HEALTH CARE DIRECTIVES ACROSS CANADA

PROVINCE	LEGISLATION	REGIME	DEFINITION(S)
ALBERTA	<i>Powers of Attorney Act</i> , RSA 2000, c P-20 Section 2(5)	A Power of Attorney executed outside of Alberta is valid if: <ul style="list-style-type: none"> (i) It is valid according to the laws of the jurisdiction in which it was executed; and (ii) The attorney's authority survives the incapacity of the grantor. 	
	<i>Personal Directives Act</i> , RSA 2000, c P-6 Section 7.3	A directive executed outside of Alberta is valid if it complies with the requirements contained in the <i>Personal Directives Act</i> .	
BRITISH COLUMBIA	<i>Power of Attorney Act</i> , RSBC 1996, c 370 Section 38 <i>Power of Attorney Regulation</i> , BC Reg 20/2011 Section 4	A Power of Attorney made outside of British Columbia is deemed valid if: <ul style="list-style-type: none"> (i) It applies or continues to apply when the adult is incapable; (ii) was made outside of BC; and (iii) complies with the prescribed requirements in the Regulations. The <i>Power of Attorney Act Regulation</i> provides: <ul style="list-style-type: none"> (i) Recognition only applies to Powers of Attorney when the grantor was a resident of Canada, the United States, the United Kingdom, Australia or New Zealand; and (ii) The Power of Attorney must be accompanied by a certificate from a practicing lawyer in the jurisdiction where it was made, confirming its compliance with its laws. 	

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	<i>Representation Agreement Act</i> , RSBC 1996, c 405 Section 41	Subject to British Columbia law, a representation agreement executed outside of the province is valid if: <ul style="list-style-type: none"> (i) It performs the function of a representation agreement; (ii) Was made outside of British Columbia; and (iii) Complies with any prescribed requirements. 	“representation agreement” refers to a substitute decision making document regarding health care decisions or routine financial decisions (paying bills, purchasing food see s.7(1)(b)).
MANITOBA	<i>The Powers of Attorney Act</i> , CCSM c P97 Section 25	A foreign Power of Attorney is valid if: <ul style="list-style-type: none"> (i) It is valid according to the law of that place; and (ii) It provides that it is Continuing despite the incompetence of the donor after the execution of the document. 	
	<i>The Health Care Directives Act</i> , CCSM c H27 Section 10	A directive made outside of Manitoba that complies with the requisite requirements under <i>The Health Care Directives Act</i> is deemed valid.	
NEW BRUNSWICK	<i>Enduring Powers of Attorney Act</i> , SNB 2019, c 30 Section 25	A Power of Attorney executed outside of New Brunswick is valid if: <ul style="list-style-type: none"> (i) It grants authority for a person to act on behalf of another in relation to property and financial affairs or personal care; (ii) The attorney may exercise their authority after the incapacity of the grantor; and (iii) The document is valid in accordance with the legislation of the place where it was made. 	
NEWFOUNDLAND AND LABRADOR	<i>Enduring Powers of Attorney Act</i> , RSNL 1990, c E-11	<u>No provision for recognition of Powers of Attorney executed outside of Newfoundland and Labrador.</u>	
	<i>Advance Health Care Directives Act</i> , SNL 1995, c A-4.1	<u>No provision for recognition of directives executed outside of Newfoundland and Labrador.</u>	

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NORTHWEST TERRITORIES	<i>Powers of Attorney Act</i> , SNWT 2001, c 15 Section 25	A Power of Attorney executed outside Northwest Territories is valid if: <ul style="list-style-type: none"> (i) It is valid according to the law of that place; and (ii) It provides in the document that it is ending / continuing. 	
	<i>Personal Directives Act</i> , SNWT 2005, c 16 Section 3(2)	A personal directive made outside of Northwest Territories is valid if: <ul style="list-style-type: none"> (i) A certified lawyer of that jurisdiction confirms in writing that the directive conforms with that jurisdiction's legislative requirements; and (ii) The directive would have met the applicable requirements under the <i>Personal Directives Act</i>. 	
NOVA SCOTIA	<i>Powers of Attorney Act</i> , RSNS 1989, c 352 Section 20	A Power of Attorney made outside of Nova Scotia is valid if: <ul style="list-style-type: none"> (i) A person gives another person authority under the document to act on their behalf regarding their property and finances; and (ii) The document is valid according to the laws of the jurisdiction it was executed in. 	
	<i>Personal Directives Act</i> , SNS 2008, c 8 Section 24	A directive / Power of Attorney for Personal Care made outside of Nova Scotia is valid if executed: <ul style="list-style-type: none"> (i) In accordance with the requirements of the <i>Personal Directives Act</i>; (ii) In accordance with the legislation of the jurisdiction where the document was made; or (iii) The jurisdiction where the grantor was a resident when the document was made. 	
NUNAVUT	<i>Powers of Attorney Act</i> , SNu 2005, c 9 Section 26	A Power of Attorney executed outside of Nunavut is valid if: <ul style="list-style-type: none"> (i) It is valid in accordance with the legislation of the jurisdiction it was made; and (ii) It provides that the attorney's authority survives the incapacity of the grantor. <p>Note: Nunavut does not have legislation for the granting of a Power of Attorney for Personal Care / Health Care Directive.</p>	

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ONTARIO	<p><i>Substitute Decisions Act</i>, S.O 1992, c. 30</p> <p>Section 85</p>	<p>A Power of Attorney made outside of Ontario is valid if at the time of execution it complied with the internal law of the place where:</p> <ul style="list-style-type: none"> (i) The POA was executed; (ii) The grantor was then domiciled; or (iii) The grantor had their habitual residence. <p>This provision applies to both Powers of Attorney for Property and Personal Care.</p>	
PRINCE EDWARD ISLAND	<p><i>Powers of Attorney Act</i>, RSPEI 1988, c P-16</p>	<p><u>No provision for recognition of Powers of Attorney executed outside of Prince Edward Island.</u></p>	
	<p><i>Consent to Treatment and Health Care Directives Act</i>, RSPEI 1988, c C-17.2</p> <p>Section 34</p>	<p>A health care directive made outside of Prince Edward Island is valid if:</p> <ul style="list-style-type: none"> (i) It meets the formal requirements of the <i>Consent to Treatment and Health Care Directives Act</i>; and (ii) It meets the formal requirements of the legislation of the jurisdiction where it was executed or where the grantor was habitual residing at the time. 	
QUEBEC	<p><i>Civil Code of Quebec</i>, CQLR c CCQ-1991</p> <p>Article 2166</p>	<p>In Quebec, the <i>Civil Code</i> provides that a mandate (that being a document equivalent to a Power of Attorney or directive) is only effective following a court process known as ‘homologation’.</p> <p>Homologation is an application wherein the court provides authority for the appointed substitute decision maker (known as a ‘Mandatary’) to act. This application must include a medical / psychosocial assessment report confirming the incapacity of the grantor.</p>	<p>“mandate” refers to a contract by which a person empowers another person to perform acts on his/her behalf. The power, and the writing evidencing it, is called the power of attorney. These apply to the grantor’s property and personal care.</p>
SASKATCHEWAN	<p><i>Powers of Attorney Act</i>, 2002, SS 2002, c P-20.3</p> <p>Section 13</p>	<p>A Power of Attorney made outside of Saskatchewan is valid if:</p> <ul style="list-style-type: none"> (i) It is executed in accordance with the law of jurisdiction in which it was executed; and (ii) The document provides that the authority conferred on the attorney survives the incapacity of the grantor. 	

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SASKATCHEWAN <i>(cont.)</i>	<i>The Health Care Directives and Substitute Health Care Decision Makers Act, 2015, SS 2015, c H-0.002</i> Section 8	A directive made outside of Saskatchewan is valid if it complies with the requirements of <i>The Health Care Directives and Substitute Health Care Decision Makers Act</i> .	
YUKON	<i>Enduring Power of Attorney Act, RSY 2002, c 73</i> Section 3(5)	A Power of Attorney executed outside of Yukon is valid if: (i) It is a valid Power of Attorney in the jurisdiction where it was executed; and (ii) The attorney's authority is not terminated by the incapacity of the grantor.	
	<i>Care Consent Act, SY 2003, c 21, Sch B</i> Section 34	A directive made outside of Yukon is valid if it complies with the requirements contained in the <i>Care Consent Act</i> .	

This table is intended for the purposes of providing information and guidance only. This table is not intended to be relied upon as the giving of legal advice and does not purport to be exhaustive.

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