

SUPREME COURT OF NOVA SCOTIA

Citation: D. B. v. J. M. J. , 2010 NSSC 137

Date: 20100422

Docket: Hfx No. 310421

Registry: Halifax

Between:

D. B.

Applicant

v.

J.M.J.

Respondent

LIBRARY HEADING

Editorial Notice

Identifying information has been removed from this electronic version of the judgment.

Judge: The Honourable Justice Peter Bryson

Heard: April 1, 2010, in Halifax, Nova Scotia, in Chambers

Written Decision: April 22, 2010

Subject: Guardian and Ward - Appointment and qualifications of guardian.
Commercial Law - Agency - Power of Attorney.

Summary: Incompetent previously granted enduring power of attorney to her friend. Family complained that they were not consulted by attorney and were not provided with an accounting. They applied to remove attorney and appoint guardian. Alternatively they sought an accounting.

Issue: Should attorney be required to account and be removed and guardianship granted?

Result: Application dismissed. Incompetent appointed attorney. Incompetent well cared for. In absence of misconduct or other evidence that best interests of incompetent were not being met, donor's appointment of attorney should be respected.

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QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***