

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: *Wilson Estate (Re)*, 2008 NSSC 418

Date: 20081208

Docket: S.N. No. 304863

Registry: Sydney

Between:

In The Matter Of: *The Powers of Attorney Act*, being Chapter 352, R.S.N.S. 1989,
as amended

-and-

In The Matter Of: An Application of Caroline Pitcher for a Substitution for a Joint
Attorney of the person and Estate of Jessie Florence Wilson

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Judge: The Honourable Justice M. Heather Robertson

Heard: December 8, 2008, in Sydney, Nova Scotia

Decision: December 8, 2008 (Orally)

Written Release: April 8, 2009

Subject: *The Powers of Attorney Act*, substitution of a joint attorney “for cause” pursuant to s. 5(e) in circumstance where one of the joint attorneys died.

Summary: A power of attorney appointing two attorneys to act which did not specify a right of survivorship, failed upon the death of one of the attorneys. The remaining attorney came to the Court seeking that a new attorney be appointed to replace the deceased attorney.

Result: The death of one attorney was “cause” and enabled the Court to appoint a replacement attorney. Discussion re the *Nova Scotia Act* and those of other jurisdictions which specify that a surviving attorney can continue to act alone or provide for replacement of the attorney upon death.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***