

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** Nova Scotia (Public Trustee) v. I.W., 2013 NSSC 134

**Date:** 20130429

**Docket:** Hfx No. 412943

**Registry:** Halifax

**Between:**

The Public Trustee (a corporation sole as constituted by the *Public Trustee Act*,  
Chapter 379, Revised Statutes of Nova Scotia, 1989)

Applicant

v.

I. W.

Respondent

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**Judge:** The Honourable Justice Michael J. Wood

**Heard:** March 19, 2013 (in Chambers), in Halifax, Nova Scotia

**Written Decision:** April 29, 2013

**Subject:** Public Trustee - Management of Estate pursuant to Adult Protection Act

**Summary:** The Public Trustee assumed management of the Respondent's assets after notification under s.13 of the *Adult Protection Act*. The Public Trustee applied for an order approving the sale of the Respondent's home.

**Issue:** Does the Public Trustee have the authority to sell real property when managing an estate pursuant to the *Adult Protection Act*?

**Result:** The Court examined the provisions of the *Adult Protection Act* and compared them with those of the *Incompetent Persons Act*. It was satisfied that the Public Trustee's role was intended to be custodial in nature and did not include the authority to sell real property. Application was dismissed.

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