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CHAPTER 18
An Act respecting certain Consequential Amendments to
certain Acts resulting from the enactment of
The Dependent Adults Act

(Assented to July 17, 1989)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

- Short Title 1 This Act may be cited as The Dependent Adults Consequential Amendment Act.
- R.S.S. 1978, c.A-3 amended
2(1) The Absentee Act is amended in the manner set forth in this section.
- Section 5 amended (2) Section 5 is amended by striking out everything after "as" and substituting the following:
 "those of a court and of a property guardian respectively under The Dependent Adults Act".
- Section 8 amended (3) Clauses 8(b) and (c) are repealed and the following substituted:
 "(b) to the property guardian of a dependent adult, where it appears to the judge that the dependent adult may be interested in the estate of the person with respect to whom the application is made;
 "(c) to the Public Trustee for Saskatchewan where it appears to the judge that a person of unsound mind who has no property guardian may be interested in the estate of the person with respect to whom the application is made".
- R.S.S. 1978, c.B-10 amended
3(1) The Business Corporations Act is amended in the manner set forth in this section.
- Section 44 amended (2) Clause 44(2)(f) is amended by adding ", property guardian" after "guardian".
- Section 47 amended (3) Clause 47(2)(b) is repealed and the following substituted:
 "(b) a guardian, property guardian, committee, trustee, curator or tutor representing a registered security holder who is an infant, a dependent adult or a missing person".
- S.S. 1979-80, c.C-38.1, section 2 amended
4 Clause 2(hh) of The Corporation Capital Tax Act is amended by striking out "committee of a mentally incompetent person's estate" and substituting "property guardian of a dependent adult".
- S.S. 1984-85-86, c.C-45.1 amended

- Section 21 amended
- 5(1) The Credit Union Act is amended in the manner set forth in this section.
- (2) Section 21 is amended:
- (a) by adding ", property guardian" after "committee" in subsection (3); and
- (b) by adding ", dependent adult" after "mind" in subsection (4).
- Section 49 amended
- (3) Clause 49(2)(b) is repealed and the following substituted:
- "(b) a guardian, property guardian, committee, trustee, curator or tutor representing a registered holder who is an infant, a dependent adult or a missing person".
- R.S.S. 1978, c.C-47 amended
- 6(1) The Criminal Injuries Compensation Act is amended in the manner set forth in this section.
- Section 17 amended
- (2) Clause 17(b) is repealed and the following substituted:
- "(b) is a person of unsound mind, the application shall be made on his behalf by any person that the board may direct;
- "(c) is a dependent adult, the application shall be made on his behalf by his property guardian or his personal guardian".
- Section 18 amended
- (3) Clause 18(a) is amended by striking out "for whom no committee or guardian has been appointed".
- R.S.S. 1978, c.I-2, section 11 amended
- 7 Section 11 of The Income Tax Act is amended:
- (a) by adding "property guardian," after "guardian," in clause (1)(d);
- (b) by adding "property guardian," after "receiver," in subsection (3).
- R.S.S. 1978, c.L-15, section 6 amended
- 8 Clause 6(b) of The Limitations of Actions Act is amended by striking out "or his estate is not represented by a committee appointed under The Public Trustee Act or The Mentally Disordered Persons Act" and substituting "is not represented by a personal guardian or property guardian appointed pursuant to The Public Trustee Act or The Dependent Adults Act".
- S.S. 1979, c.N-41 amended
- 9(1) The Non-profit Corporations Act is amended in the manner set forth in this section.
- Section 32 amended
- (2) Clause 32(2)(f) is amended by adding "property guardian," after "guardian,".
- Section 35 amended
- (3) Clause 35(2)(b) is repealed and the following substituted:
- "(b) a guardian, property guardian, committee, trustee, curator or tutor representing a registered security holder who is an infant, a dependent adult or a missing person;".

S.S. 1983, c.P-43.1 amended

10(1) The Public Trustee Act is amended in the manner set forth in this section.

Section 2 amended

(2) Section 2 is amended:

(a) by repealing clause (a);

(b) by adding the following clause after clause (c):

"dependent adult"

"(c.1) 'dependent adult' means a person:

(i) with respect to whom a certificate of incompetence has been issued pursuant to The Mentally Disordered Persons Act; or

(ii) with respect to whom an order has been made pursuant to The Dependent Adults Act appointing a property guardian"; and

(c) by repealing clause (g).

Section 19 amended

(3) Section 19 is amended:

(a) by adding the following clause after clause (c):

"(d) where the infant is a dependent adult, to his property guardian"; and

(b) by striking out "or the authorized representative of the Saskatchewan Region of the Department of Indian and Northern Affairs (Canada)" and substituting ", the authorized representative of the Saskatchewan Region of the Department of Indian and Northern Affairs (Canada) or property guardian".

Section 29 heading amended

(4) The heading before section 29 is repealed and the following substituted:

"PROPERTY OF DEPENDENT ADULTS".

Section 29 amended

(5) Section 29 is amended:

(a) by striking out "committee of a mentally incompetent person's estate" in subsection (1) and substituting "property guardian of a dependent adult";

(b) by striking out "The Mentally Disordered Persons Act to be appointed committee of the estate" in subsection (2) and substituting "The Dependent Adults Act to be appointed property guardian";

(c) by repealing subsection (3) and substituting the following:

"(3) Where:

(a) a person has applied pursuant to The Dependent Adults Act for an order appointing him as property guardian of a dependent adult and it appears to the court that it would not be in the best interests of the dependent adult to appoint the applicant as property guardian; or

(b) a property guardian of a dependent adult appointed pursuant to The Dependent Adults Act resigns or is removed;

the court may, with the consent of the public trustee, make an order appointing the public trustee as property guardian";

(d) by repealing subsection (4); and

(e) by repealing subsections (5) and (6) and substituting the following:

"(5) An order appointing the public trustee as property guardian, or an acknowledgment to act mentioned in this section signed under seal by the

public trustee, shall not preclude any other person from applying to the court pursuant to The Dependent Adults Act to be substituted as property guardian in place of the public trustee.

"(6) Where the public trustee is appointed as property guardian on an application:

(a) mentioned in subsection (3); or

(b) pursuant to The Dependent Adults Act;

the public trustee's powers and duties as property guardian are the powers and duties given to the public trustee by this Act".

Section 30 amended

(6) Section 30 is amended:

(a) by striking out "committee for the estate of a mentally incompetent person" in subsection (1) and substituting "property guardian of a dependent adult"; and

(b) by repealing subsection (2) and substituting the following:

"(2) Anything done by the public trustee as property guardian pursuant to the powers conferred on him by this Act is binding on the person for whom he is property guardian in the same manner and to the same extent as if that person had done the thing himself and had been an adult capable of doing so at the time".

Section 31 amended

(7) Section 31 is amended:

(a) by striking out "court appointed committee dies or becomes a mentally incompetent person, to administer the estate which the committee was administering until a new committee" in clause (1)(a) and substituting "property guardian dies or becomes a dependent adult, to administer the estate which the property guardian was administering until a new property guardian";

(b) by striking out "committee" in clause (1)(b) and substituting "property guardian";

(c) by striking out "mentally incompetent person" in clause(1)(c) and substituting "dependent adult"; and

(d) by striking out "mentally incompetent person would have if he were competent" in subsection (2) and substituting "dependent adult would have if he or she were an adult capable of making the application".

Section 32 amended

(8) Subsection 32(1) is amended by striking out "committee, whether or not that person has been found to be a mentally incompetent person" and substituting "property guardian, whether or not that person is a dependent adult".

Section 33 amended

(9) Subsection 33(1) is amended:

(a) by striking out "37 of The Mentally Disordered Persons Act" and substituting "39 of The Dependent Adults Act"; and

(b) by striking out "the person of sound mind or capable of managing his own affairs" and substituting "that the dependent adult is no longer in need of a property guardian".

Section 34 amended

- (10) Section 34 is amended:
- (a) by striking out "38 of The Mentally Disordered Persons Act" and substituting "44 of The Dependent Adults Act"; and
 - (b) by striking out "the person of sound mind or capable of managing his own affairs" and substituting "that the dependent adult is no longer in need of a property guardian".

Section 35 amended

- (11) Section 35 is amended:
- (a) by repealing subsection (1) and substituting the following:
 - "(1) Where pursuant to section 29 or 31 the public trustee acts as property guardian of a dependent adult, he shall submit a notice of his authority to act, containing a description of the land, to the Land Titles Office for each land registration district where land is situated in which, in his opinion, the dependent adult has an interest"; and
 - (b) by striking out "committee of the estate of the mentally incompetent person" in subsection (3) and substituting "property guardian of the dependent adult".

Section 36 amended

- (12) Subsection 36(1) is amended by striking out "committee of the property":
- (a) in clause (a); and
 - (b) in clause (b);
- and in each case substituting "property guardian".

Section 37 amended

- (13) Section 37 is amended:
- (a) by repealing subsection (1) and substituting the following:
 - "(1) The minister may, where he is satisfied that an official of another province of Canada is property guardian of a dependent adult or holds a position similar to that of property guardian in another province and that person has property in Saskatchewan, by order appoint that official to be the property guardian of the person in Saskatchewan"; and
 - (b) by striking out "committee" in subsection (2) and substituting "property guardian".

Section 38 amended

- (14) Section 38 is amended:
- (a) by striking out "committee of the estate of a mentally incompetent person" in subsection (1) and substituting "property guardian of a dependent adult";
 - (b) by striking out "committee of the property" in clause (1)(b) and substituting "property guardian";
 - (c) by striking out "committee" in subsection (2) and substituting "property guardian"; and
 - (d) by striking out "committeeship" in subsection (2) and substituting "guardianship".

Section 39 amended

- (15) Section 39 is amended by striking out "committee":
- (a) in subsection (1); and

(b) in subsection (2);
and in each case substituting "property guardian".

Section 40 amended

(16) Subsection 40(1) is amended by striking out "committee" and substituting "property guardian".

Section 41 amended

(17) Section 41 is amended:

(a) by striking out "mentally incompetent person for whose estate the public trustee acts as committee" in subsection (1) and substituting "dependent adult for whom the public trustee acts as property guardian"; and

(b) by striking out "mentally incompetent person" in subsection (2) and substituting "dependent adult".

Section 42 amended

(18) Section 42 is amended:

(a) by striking out "mentally incompetent person" in subsection (1) and substituting "dependent adult";

(b) by striking out "mentally incompetent person" in clause (1)(b) and substituting "dependent adult"; and

(c) by repealing clauses (2)(a) and (b) and substituting the following:

"(a) the property guardian of any dependent adult named in the notice;

"(b) the public trustee where no property guardian is named with respect to a dependent adult in the notice; and".

Section 43 amended

(19) Clause 43(1)(a) is amended by striking out "mentally incompetent person" and substituting "dependent adult".

Section 45 amended

(20) Subsection 45(1) is amended by striking out "mentally incompetent person for whom he is guardian or committee" and substituting "dependent adult for whom he is guardian or property guardian".

Section 46 amended

(21) Section 46 is amended:

(a) by striking out "of whose property the public trustee is committee" and substituting "for whom the public trustee is property guardian"; and

(b) by striking out "mentally incompetent person" in clause (c) and substituting "dependent adult".

Section 47 amended

(22) Subsection 47(1) is amended by striking out "of whose estate the public trustee is committee" and substituting "for whom the public trustee is property guardian".

Section 48 amended

(23) Clause 48(b) is amended by striking out "of whose estate the public trustee is committee" and substituting "for whom the public trustee is property guardian".

Section 49 amended

(24) Section 49 is amended:

(a) by striking out "mentally incompetent person" in subsection (1) and substituting

"dependent adult"; and

(b) by repealing subsection (2) and substituting the following:

"(2) Where a dependent adult for whom the public trustee is property guardian is awarded costs of a proceeding and where the public trustee has acted in the proceedings as property guardian, the public trustee shall be entitled to the costs awarded to the dependent adult for the purpose of defraying the expenses of the public trustee".

Section 49.1 amended

(25) Section 49.1 is amended by striking out "mentally disordered person" and substituting "dependent adult".

S.S 1980-81, c.T-22.1 amended

11(1) The Trust and Loan Corporations Act is amended in the manner set forth in this section.

Section 4 amended

(2) Subclause 4(d)(x) is repealed and the following substituted:

"(x) personal guardian or property guardian of a dependent adult".

Section 52 amended

(3) Section 52 is amended:

(a) by striking out "or" after clause (1)(g);

(b) by adding the following clauses after clause (1)(g):

"(g.1) personal guardian;

"(g.2) property guardian; or";

(c) by adding ", personal guardian, property guardian" after "guardian" in subsection (4).

Coming into force

12 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.