

Powers of Attorney for Property or Equivalent

Province / Territory	Name of Legislation	Type of Document	Express Statutory Recognition of Foreign Document?	Substance of Provision (if applicable)
British Columbia	<i>Power of Attorney Act</i> , R.S.B.C. 1996, c. 370	Enduring power of attorney	Yes	Section 38: Subject to any limitation or condition set out in the regulations, a power of attorney that (a) applies or continues to apply when an adult is incapable, (b) was made in a jurisdiction outside British Columbia, and (c) complies with any prescribed requirements is deemed to be an enduring power of attorney made under this Act. --
	-- <i>Representation Agreement Act</i> , R.S.B.C. 1996, c. 405	-- Representation agreement (for “routine management of the adult’s financial affairs”, ss. 7(b))	-- Yes	-- Section 41: Subject to any limitation or condition set out in the regulations, an agreement that (a) performs the function of a representation agreement, (b) was made in a jurisdiction outside British Columbia, and (c) complies with any prescribed requirements is deemed to be a representation agreement made under the Act.
Alberta	<i>Powers of Attorney Act</i> , R.S.A. 2000, c. P-20	Enduring power of attorney	Yes	Subsection 2(5): Notwithstanding subsection (1), a power of attorney is an enduring power of attorney if, according to the law of the place where it is executed, (a) it is a valid power of attorney, and (b) the attorney’s authority under it is not terminated by the mental incapacity or infirmity of the donor that may occur after the execution of the power of attorney.
Saskatchewan	<i>The Powers of Attorney Act, 2002</i> , S.S. 2002, c. P-20.3	Enduring power of attorney	Yes	Section 13: (1) An extra-provincial power of attorney is an enduring power of attorney if: (a) it is a valid power of attorney according to the law of the place where it is executed; and (b) it provides

				that the attorney's authority under the power of attorney is not terminated by a lack of capacity of the grantor that occurs after the power of attorney has been executed. (2) An extra-provincial power of attorney is an enduring power of attorney containing a contingent appointment if: (a) it is a valid enduring power of attorney according to the law of the place where it is executed; and (b) it provides that an appointment comes into effect on a specified future date or on the occurrence of a specified contingency.
Manitoba	<i>The Powers of Attorney Act, C.C.S.M. 1997 c. P97</i>	Enduring power of attorney	Yes	Section 25: A power of attorney executed in a place outside the province is valid as an enduring power of attorney in the province if (a) it is valid according to the law of that place and (b) it provides that it is to continue despite the mental incompetence of the donor after the execution of the document.
Ontario	<i>Substitute Decisions Act, 1992, S.O. 1992, c. 30</i>	Continuing power of attorney	Yes	Section 85: As regards the manner and formalities of executing a continuing power of attorney..., the power of attorney is valid if at the time of its execution it complied with the internal law of the place where, (a) the power of attorney was executed; (b) the grantor was then domiciled; or (c) the grantor then had his or her habitual residence.
Québec*	<i>Civil Code of Québec, S.Q. 1991, c.6</i>	1. General power of attorney - - 2. Mandate in	1: Yes, but inoperative upon occurrence of incapacity - - 2 & 3: Yes, but	<u>Formal Validity</u> – Article 3109: The form of a juridical act is governed by the law of the place where it is made. A juridical act is nevertheless valid if it is made in the form prescribed by the law applicable to the content of the act, by the law of the place where the property which is the object of the act is situated when it is made or by the law of the domicile of one of the parties when the act is made...

*NOTE: Generally, in practice, powers of attorney for property and for the person are combined in one document.

		<p>anticipation of incapacity</p> <p>3. General power of attorney coupled with mandate in anticipation of incapacity</p>	<p>may require homologation by the court upon occurrence of incapacity in order to be used by substitute-decision maker</p>	<p><u>Substantive Validity</u> – Article 3111: A juridical act, whether or not it contains any foreign element, is governed by the law expressly designated in the act or the designation of which may be inferred with certainty from the terms of the act. A juridical act containing no foreign element remains, nevertheless, subject to the mandatory provisions of the law of the country which would apply if none were designated. The law of a country may be expressly designated as applicable to the whole or a part only of a juridical act.</p> <p>Article 3112: If no law is designated in the act or if the law designated invalidates the juridical act, the courts apply the law of the country with which the act is most closely connected, in view of its nature and the attendant circumstances.</p> <p>Article 3113: A juridical act is presumed to be most closely connected with the law of the country where the party who is to perform the prestation which is characteristic of the act has his residence or, if the act is made in the ordinary course of business of an enterprise, his establishment.</p>
New Brunswick	<i>Property Act</i> , R.S.N.B. 1973, c. P-19	Power of attorney	No	Act is silent
Prince Edward Island	<i>Powers of Attorney Act</i> , R.S.P.E.I. 1988, c. P-16	Power of attorney	No	Act is silent
Newfoundland	<i>Enduring Powers of Attorney Act</i> , R.S.N.L. 1990, c. E-11	Enduring power of attorney	No	Act is silent
Nova Scotia	<i>Powers of Attorney Act</i> , R.S.N.S. 1989, c. 352	Enduring power of attorney	No	Act is silent

Yukon	<i>Enduring Power of Attorney Act</i> , R.S.Y. 2002, c. 73	Enduring power of attorney	Yes	Subsection 3(5): Despite subsection (1), a power of attorney is an enduring power of attorney if, according to the law of the place where it is executed, (a) it is a valid power of attorney; and (b) the attorney's authority under it is not terminated by the mental incapacity or infirmity of the donor that may occur after the execution of the power of attorney.
Northwest Territories	<i>Powers of Attorney Act</i> , S.N.W.T. 2001, c. 15	Enduring power of attorney or springing power of attorney	Yes	Section 25: A power of attorney executed in a place outside the Northwest Territories is valid as a springing or enduring power of attorney in the Northwest Territories if (a) it is valid according to the law of that place; and (b) it provides the appropriate statement as to its commencement or continuation, as referred to in paragraph 13(1)(e).
Nunavut	<i>Powers of Attorney Act</i> , S.Nu. 2005, c.9	Enduring power of attorney or springing power of attorney	Yes	Section 26: A power of attorney executed in a place outside Nunavut is valid as a springing or enduring power of attorney in Nunavut if (a) it is valid according to the law of that place, and (b) it provides the appropriate statement as to its commencement or continuation, as referred to in paragraph 10(1)(e).
Florida	2013 <i>Florida Statutes</i> , Chapter 709	Durable power of attorney	Yes, but only if executed in another U.S. jurisdiction	Section 709.2102: As used in this part, the term: ... (2) "Another state" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. Section 709.2106: (1) A power of attorney executed on or after October 1, 2011, is valid if its execution complies with s. 709.2105. (2) A power of attorney executed before October 1, 2011, is valid if its execution complied with the law of this state at the time of execution. (3) A power of attorney executed in another state which does not comply with the

				<p>execution requirements of this part is valid in this state if, when the power of attorney was executed, the power of attorney and its execution complied with the law of the state of execution. A third person who is requested to accept a power of attorney that is valid in this state solely because of this subsection may in good faith request, and rely upon, without further investigation, an opinion of counsel as to any matter of law concerning the power of attorney, including the due execution and validity of the power of attorney. An opinion of counsel requested under this subsection must be provided at the principal's expense. A third person may reject a power of attorney that is valid in this state solely because of this subsection if the agent does not provide the requested opinion of counsel, and in such case, a third person has no liability for rejecting the power of attorney. This subsection does not affect any other rights of a third person who is requested to accept the power of attorney under this part, or any other provision of applicable law.</p>
Arizona	<i>Arizona Revised Statutes</i> , Title 14	<p>Durable general power of attorney</p> <p>Durable specific power of attorney</p>	Yes, but only if executed in another U.S. jurisdiction	<p>Section 14-5501: ...C. A power of attorney executed in another jurisdiction of the United States is valid in this state if the power of attorney was validly executed in the jurisdiction in which it was created. [emphasis added]</p>

Powers of Attorney for Personal Care or Equivalent

Province / Territory	Name of Legislation	Type of Document	Express Statutory Recognition of Foreign Document?	Substance of Provision (if applicable)
British Columbia	<i>Representation Agreement Act</i> , R.S.B.C. 1996, c. 405	Representation agreement	Yes	Section 41: Subject to any limitation or condition set out in the regulations, an agreement that (a) performs the function of a representation agreement, (b) was made in a jurisdiction outside British Columbia, and (c) complies with any prescribed requirements is deemed to be a representation agreement made under the Act.
Alberta	<i>Personal Directives Act</i> , R.S.A. 2000, c. P-6	Personal directive	Yes	<p>Section 7.3: A directive made outside Alberta that complies with the requirements of Part 2 has the same effect as if it were made pursuant to this Act.</p> <p><u>Statutory Requirements:</u> Subsection 3(1): Any person who is at least 18 years of age and understands the nature and effect of a personal directive may make a personal directive...</p> <p>Section 5: (1) A personal directive must (a) be in writing, (b) be dated, (c) be signed at the end (i) by the maker in the presence of a witness, or (ii) if the maker is physically unable to sign the directive, by another person on behalf of the maker, at the maker's direction and in the presence of both the maker and a witness, and (d) be signed by the witness referred to in clause (c) in the presence of the maker. (2) The following persons may not sign a personal directive on behalf of the maker: (a) a person designated in the directive as an agent; (b) the spouse or adult interdependent partner of a person</p>

				<p>designated in the directive as an agent.</p> <p>(3) The following persons may not witness the signing of a personal directive: (a) a person designated in the directive as an agent; (b) the spouse or adult interdependent partner of a person designated in the directive as an agent; (c) the spouse or adult interdependent partner of the maker; (d) a person who signs the directive on behalf of the maker; (e) the spouse or adult interdependent partner of a person who signs the directive on behalf of the maker.</p>
Saskatchewan	<i>The Health Care Directives and Substitute Health Care Decision Makers Act, S.S. 1997, C. H-0.001</i>	Directive	Yes	<p>Section 8: A directive made outside Saskatchewan that complies with the requirements of this Act is deemed to be a directive made pursuant to this Act.</p>
Manitoba	<i>The Health Care Directives Act, C.C.S.M. c. H27</i>	Directive	Yes	<p>Section 10: A directive made outside Manitoba that complies with the requirements of this Act is deemed to be a directive made under this Act.</p> <p><u>Statutory Requirements:</u></p> <p>Section 2: For the purpose of this Act, a person has capacity to make health care decisions if he or she is able to understand the information that is relevant to making a decision and able to appreciate the reasonably foreseeable consequences of a decision or lack of decision.</p> <p>Section 4: (1) Every person who has the capacity to make health care decisions may make a health care directive. (2) In the absence of evidence to the contrary, it shall be presumed for the purpose of this Act (a) that a person who is 16 years of age or more has the capacity to make health care decisions; and (b) that a person who is under 16 years of age does</p>

				<p>not have the capacity to make health care decisions.</p> <p>Section 8: (1) A directive must be in writing and dated. (2) A directive must be signed (a) by the maker; or (b) by some other person at the direction and in the presence of the maker, in which case (i) the person signing shall not be a proxy appointed in the directive or a proxy's spouse, (ii) the maker shall acknowledge the signature in the presence of a witness, who shall not be a proxy appointed in the directive or a proxy's spouse, and (iii) the witness shall sign the directive as witness in the maker's presence.</p>
Ontario	<i>Substitute Decisions Act</i> , 1992, S.O. 1992, c. 30	Power of attorney	Yes	Section 85: As regards the manner and formalities of executing a...power of attorney for personal care, the power of attorney is valid if at the time of its execution it complied with the internal law of the place where, (a) the power of attorney was executed; (b) the grantor was then domiciled; or (c) the grantor then had his or her habitual residence.
Québec*	<i>Civil Code of Québec</i> , S.Q. 1991, c.64	<p>1. General power of attorney</p> <p>--</p> <p>2. Mandate in anticipation of incapacity</p> <p>--</p>	<p>Yes, but inoperative upon occurrence of incapacity</p> <p>--</p> <p>2 & 3: Yes, but may require homologation by the court upon</p>	<p><u>Formal Validity</u> – Article 3109: The form of a juridical act is governed by the law of the place where it is made. A juridical act is nevertheless valid if it is made in the form prescribed by the law applicable to the content of the act, by the law of the place where the property which is the object of the act is situated when it is made or by the law of the domicile of one of the parties when the act is made...</p> <p><u>Substantive Validity</u> – Article 3111: A juridical act, whether or not it contains any foreign element, is governed by the law expressly designated in the act or the designation of which may be inferred with certainty from the terms of the act. A juridical act containing no foreign element</p>

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		3. General power of attorney coupled with mandate in anticipation of incapacity	occurrence of incapacity in order to be used by substitute decision-maker	<p>remains, nevertheless, subject to the mandatory provisions of the law of the country which would apply if none were designated. The law of a country may be expressly designated as applicable to the whole or a part only of a juridical act.</p> <p>Article 3112: If no law is designated in the act or if the law designated invalidates the juridical act, the courts apply the law of the country with which the act is most closely connected, in view of its nature and the attendant circumstances.</p> <p>Article 3113: A juridical act is presumed to be most closely connected with the law of the country where the party who is to perform the prestation which is characteristic of the act has his residence or, if the act is made in the ordinary course of business of an enterprise, his establishment.</p>
New Brunswick	<i>Infirm Persons Act</i> , R.S.N.B. 1973, c. I-8	Power of attorney	No	Act is silent
Prince Edward Island	<i>Consent to Treatment and Health Care Directives Act</i> , R.S.P.E.I. 1988, c. C-17.2	Directive	Yes	<p>Section 34: (1) A health care directive, whether it is made in Prince Edward Island or not, has the same effect as though it were made in accordance with Part III if (a) it meets the formal requirements of Part III; or (b) it was made under and meets the formal requirements established by the legislation of (i) the jurisdiction where the directive was made, or (ii) the jurisdiction where the person who made the directive was habitually resident at the time the directive was made. (2) For the purposes of subsection (1), the formal requirements are the requirements relating to the formalities of execution of health care directives. (3) A person implementing a health care directive may rely on a certification by a person purporting to be a lawyer or notary public in a jurisdiction certifying that the directive meets the formal requirements of the jurisdiction. (4) A health care directive that does not meet the formal requirements described in subsection (1) has the same effect</p>

				as a health care directive that was made in Prince Edward Island but that does not meet the formal requirements of Part III. (5) In circumstances in which it is impractical to determine whether or not a health care directive meets the formal requirements described in subsection (1), the directive has the same effect as a health care directive that was made in Prince Edward Island but that did not meet the formal requirements of Part III.
Newfoundland	<i>Advance Health Care Directives Act</i> , S.N.L. 1995, c. A-4.1	Advance health care directive	No	Act is silent
Nova Scotia	<i>Personal Directives Act</i> , S.N.S. 2008, c. 8	Personal directive	Yes	Section 24: An instrument authorizing a person to make personal-care decisions on behalf of another or setting out instructions, values, beliefs or wishes regarding personal care made outside of the Province has the same effect as a personal care directive made under this Act if it was made in the form required (a) in this Act; or (b) in the legislation of (i) the jurisdiction where the instrument was made; or (ii) the jurisdiction where the person who made the instrument was habitually resident at the time the instrument was made.
	-- <i>Medical Consent Act</i> R.S.N.S. 1989, c. 352 (re consent to medical treatment or directions respecting medical treatment)	-- Authorization	-- No	-- Act is silent
Yukon	<i>Decision Making, Support and Protection of Adults Act</i> , Schedule B <i>Care Consent Act</i> ,	Directive	Yes	Section 34: A directive made outside Yukon that complies with the requirements of this Act is deemed to be a directive made pursuant to this Act.

	S.Y. 2003, c. 21			<p><u>Statutory Requirements:</u> Subsection 27(1): A person is capable of making, changing, or revoking a directive if they are (a) 16 years of age or older; and (b) able to understand the nature and effect of the directive.</p> <p>Section 28: (1) A directive is not valid unless it is (a) in writing; (b) dated; (c) signed by the maker in the presence of two witnesses who are 19 years of age or older, neither of whom is a proxy appointed in the directive or a proxy's spouse; (d) signed by the witnesses in the presence of the maker and each other; and (e) signed at any time by the proxy or proxies appointed in the directive. (2) Where the maker is unable to sign the directive, it may be signed at the direction and in the presence of the maker by a person other than (a) the proxy appointed in the directive; or (b) a proxy's spouse. (3) Where a directive is signed by another person pursuant to subsection (2), the maker shall acknowledge the signature in the presence of the witnesses. (4) Despite subsections (1) to (3), a person may make a directive by any method authorized in the regulations. (5) If there is a defect in the execution of a directive, a proxy appointed by the directive may apply to the Supreme Court for an order that the directive is not invalid solely because of the defect.</p>
Northwest Territories	<i>Personal Directives Act</i> , S.N.W.T. 2005, c. 16	Personal directive	Yes	Section 3:... (2) A personal directive made in another jurisdiction has the same effect as if it were made in accordance with this Act if (a) a lawyer entitled to practice law in that jurisdiction has certified in writing that the directive meets the requirements relating to the formalities of execution for personal directives under the legislation of that jurisdiction; or (b) the directive would have met the applicable requirements of section 6 had it been made in the

				Northwest Territories. (3) A personal directive made in another jurisdiction that is not described by paragraph (2)(a) or (b) has no legal effect in the Northwest Territories.
Nunavut	No legislation	Not applicable	No	Not applicable
Florida	2013 <i>Florida Statutes</i> , Chapter 765	Advance directives, including health care surrogate designation, living will, and anatomical donation	Yes	<p>Section 765.112: An advance directive executed in another state in compliance with the law of that state or of this state is validly executed for the purposes of this chapter.</p> <p>Section 765.101: As used in this chapter: (1) "Advance directive" means a witnessed written document or oral statement in which instructions are given by a principal or in which the principal's desires are expressed concerning any aspect of the principal's health care, and includes, but is not limited to, the designation of a health care surrogate, a living will, or an anatomical gift made pursuant to part V of this chapter.</p> <p>Section 765.103: Any advance directive made prior to October 1, 1999, shall be given effect as executed, provided such directive was legally effective when written.</p>
	-- <i>Florida Statutes</i> , Chapter 709	-- Durable power of attorney specifically for health care	-- Yes, but only if executed in another U.S. jurisdiction	-- See provisions quoted above in Florida section of Power of Attorney for Property chart

Arizona	<i>Arizona Revised Statutes</i>	Health care directives, including durable health care power of attorney, living will, pre-hospital medial directive, and durable mental health care power of attorney	Yes, but only if prepared in another U.S. state, district or territory	<p>Section 36-3201: In this chapter, unless the context otherwise requires...5. "Health care directive" means a document drafted in substantial compliance with this chapter, including a mental health care power of attorney, to deal with a person's future health care decisions". 6. "Health care power of attorney" means a written designation of an agent to make health care decisions that meets the requirements of section 36-3221 and that comes into effect and is durable as provided in section 26-3223, subsection A...9. "Living will" means a statement written either by a person who has not written a health care power of attorney or by the principal as an attachment to a health care power of attorney and intended to guide or control the health care treatment decisions that can be made on the person's behalf. 10. "Mental health care power of attorney" means a written designation of an agency to make mental health care decisions that meets the requirements of section 36-3281.</p> <p>Section 36-3208: A health care directive prepared before September 30, 1992, or prepared in another state, district or territory of the United States is valid in this state if it was valid in the place where and at the time when it was adopted and only to the extent that it does not conflict with the criminal laws of this state. [emphasis added]</p>
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