



## THE NUNAVUT COURT OF JUSTICE

### **PRACTICE DIRECTIVE #20**

#### ***APPLICATIONS UNDER THE GUARDIANSHIP AND TRUSTEESHIP ACT BY THE PUBLIC GUARDIAN OR PUBLIC TRUSTEE***

Effective February 1<sup>st</sup> 2010 an application for an order of Guardianship and or Trusteeship brought by the Public Guardian or Public Trustee may be brought before a judge in Chambers for a private (in camera) hearing where the following conditions are met:

1. The application is being brought by the Public Guardian and or Public Trustee who is the proposed Guardian/Trustee;
2. The application is consented to by the patient's nearest relative within the meaning of section 1 of the *Act*;
3. Service of the application has been made upon all those persons who are entitled to notice under section 4 of the *Act*.
4. The applicant knows of no person who is opposed to the application being sought.

Applications for an in camera hearing must be supported by a memorandum confirming that the preconditions set out in this practice directive are met.

Unless otherwise ordered by the Court, any document required to be served by this *Act* upon any person or corporation by the Public Guardian or Public Trustee may be served by way of single registered mail. Proof of service by registered mail can be established by filing the Affidavit of service in Form 20A as annexed to this directive. Service in Canada shall be deemed to have been effected 21 days from the date the document was posted by registered mail.

An order of Guardianship made under section 7 of the *Act* will be in Form 20B as annexed to this directive and modified as the circumstances require.

An order of Trusteeship made under section 36 of the *Act* will be in Form 20C as annexed to this directive and modified as the circumstances require.

An application for the appointment of a trustee may be joined with an application for the appointment of a guardian without leave of the Court.

Issued this 21<sup>st</sup> day of December 2009 at the direction of the Judges of the Nunavut Court of Justice.

Mr. Justice R. Kilpatrick

Mr. Justice E. Johnson

Mr. Justice N. Sharkey