

Public Trustee

The Public Trustee's Office can manage the financial and health care needs for some people when no one else is willing, suitable, or able to act. It is independent of the provincial government.





This publication explains the law in a general way as it applies in Nova Scotia, Canada. The information is not intended as legal advice. If you have a legal problem, contact a lawyer for advice about what steps you should take in your situation. We thank the Law Foundation of Nova Scotia, the Department of Justice Canada, and the Nova Scotia Department of Justice for providing core funding for our services, which makes publications like this possible.

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What is the Public Trustee?

The Nova Scotia [Public Trustee's Office](#) has the authority to manage the financial and health care needs for certain people when no one else is willing, suitable, or able to act. It is independent of the provincial government.

The Public Trustee can act as:

- a representative for an adult,
- a guardian for a child,
- a custodian or trustee of a person who cannot care for their own affairs, or
- the executor or administrator of the estate of a person who has died.

It gets its power from Nova Scotia's [Public Trustee Act](#).

What can the Public Trustee do?

The Public Trustee often acts when no one else is able to take responsibility for a person's estate.

The Public Trustee can act as a trustee for a person under the age of 19 who receives money in an insurance settlement or inheritance or as a named beneficiary, but does not have a parent or guardian who was named as a trustee to manage the money.

The Public Trustee can serve as a **representative** for an adult who cannot manage their own finances and has not given someone power of attorney to act for them.

The Public Trustee looks into complaints about a representation order being misused. If you wish to make a complaint to the Public Trustee, you can call them at 902-424-7760 or send an email to publictrustee@novascotia.ca.

The Public Trustee can apply to the Probate Court to manage the estate of a person who has died.

The Public Trustee can make health care decisions for a person who is not able to understand the risks, benefits, or the consequences of an important decision about their health. They will do this only if no one else can. If a patient has not named someone to make these decisions and has no representation order, the health care provider will speak with the patient's family about giving consent to treatment. If no one can or will make these health care decisions, the health care provider will contact the Public Trustee as a last resort. The Public Trustee will review the request. They will try to learn if the patient has ever expressed any wishes about the medical treatment. They will try to make a decision that respects the patient's values, beliefs and wishes. If the patient's values, beliefs and wishes are not known, the Public Trustee will make a decision that is in the best interests of the patient.

You can find more information in the following chapters of this book: *Adult Capacity and Decision-making*; *Powers of Attorney*; and *Health and other Personal Care Decisions*.

Is the Public Trustee required to represent everyone who asks for its help?

No. The Public Trustee accepts cases based on the facts. Some things it will not do are the following:

- help a family solve a disagreement
- be responsible for a person's physical care and well-being.

What does the Public Trustee cost?

Depending on the services provided, the Public Trustee can charge the same costs and fees as a lawyer. In some cases, a judge will say what the Public Trustee can charge for its work. The fee for some services is based on a percentage of the person's estate and is set out in the regulations under the [Public Trustee Act](#).

Usually the Public Trustee's costs and fees are paid from the estate of the person. Sometimes a judge will order that another person pay. The accounts of the Public Trustee are audited every year.

Where can I get more information about the Public Trustee?

You can get further information about the work of the Public Trustee's Office online at novascotia.ca/just/pto/

You can also get in touch with the Public Trustee's Office at:

Public Trustee's Office

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Halifax, NS B3J 2T3

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