

# *The Public Guardian and Trustee Regulations*

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Chapter P-36.3 Reg 1 (effective July 4, 2002) as amended by Saskatchewan Regulations [113/2002](#), [32/2005](#), [60/2007](#), [54/2010](#), [65/2012](#), [62/2014](#) and [117/2020](#).

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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**CHAPTER P-36.3 REG 1**  
*The Public Guardian and Trustee Act*

**Title**

- 1 These regulations may be cited as *The Public Guardian and Trustee Regulations*.

**Interpretation**

- 2 In these regulations:

- (a) **“account”** means an account held on behalf of a person or organization in the common fund;
- (b) **“Act”** means *The Public Guardian and Trustee Act*;
- (c) **“gross assets”** means, with respect to:
  - (i) infants’ property, all property administered by the public guardian and trustee on behalf of an infant;
  - (ii) property of dependent adults, all assets of a dependent adult recorded with the public guardian and trustee without deduction for debts and liabilities, but does not include assets consisting of:
    - (A) grain on hand;
    - (B) the value of standing crops, livestock, farm equipment, household furnishings, clothing, dry goods, vehicles, musical instruments or tools; and
    - (C) personal property that the public guardian and trustee considers should, in the best interests of the dependent adult, be exempted from the calculation of fees;
  - (iii) property of a person declared to be a missing person pursuant to *The Missing Persons and Presumption of Death Act*, all assets of the missing person recorded with the public guardian and trustee without deduction for debts and liabilities;
  - (iii.1) a trust administered by the public guardian and trustee pursuant to clause 6.1(d) of the Act, all assets that are subject to the terms and conditions of the trust recorded with the public guardian and trustee without deduction for debts and liabilities;
  - (iv) a power of attorney, all assets that are subject to the terms and conditions of the power of attorney recorded with the public guardian and trustee without a deduction for debts and liabilities;
  - (v) funds for which the owner or beneficiary is unknown, all property administered by the public guardian and trustee on behalf of the unknown owner or beneficiary; and

(vi) a deceased person's estate, the assets of the deceased person as determined in accordance with the following formula:

$$\text{Assets} = A - B$$

where:

A is the total of:

- (A) the amounts realized from assets existing at the date of death, including amounts realized from assets discovered after the date of death;
- (B) the fair market value of assets that are not converted to cash; and
- (C) all income received from assets;

without any deductions for expenses incurred in the realization of the assets or for funeral expenses, whether incurred before or after the assets are received for administration by the public guardian and trustee; and

B is the total amount owed by the deceased person at the date of death under any mortgage or agreement for sale relating to real property that is included in the deceased person's assets;

but does not include the following:

- (D) property held jointly with another;
- (E) insurance payable to a named beneficiary;
- (F) *Canada Pension Plan* payments to a surviving spouse or child;
- (G) a plan within the meaning of section 72 of *The Queen's Bench Act, 1998* if the proceeds are payable to a named beneficiary;
- (H) a retirement savings plan within the meaning of section 73 of *The Queen's Bench Act, 1998* if the proceeds are payable to a named beneficiary;
- (I) a retirement income fund within the meaning of section 75 of *The Queen's Bench Act, 1998* if the proceeds are payable to a named beneficiary.

(d) **“quarter”** means a calendar quarter ending on March 31, June 30, September 30 or December 31 in each year.

**Power to charge fees**

**3(1)** If the public guardian and trustee performs a service pursuant to the powers or duties set out in the Act, the public guardian and trustee may charge a fee for that service in the amount prescribed in these regulations.

**(2) Repealed.** 4 Dec 2020 SR 117/2020 s4.

19 Jly 2002 cP-36.3 Reg 1 s3; 4 Dec 2020 SR 117/2020 s4.

**Calculation of interest**

**4** After the end of each quarter, the public guardian and trustee shall calculate the interest earned by the public guardian and trustee during a quarter in accordance with the following formula:

$$\text{Interest} = A + B + C - D - E - F$$

where:

A is the interest received on the public guardian and trustee's bank accounts during that quarter;

B is the accrued interest from all common fund investments at the end of that quarter;

C is the interest received from all common fund investments during that quarter;

D is the accrued interest from all common fund investments at the end of the previous quarter;

E is the total of the amounts paid as interest during that quarter to clients pursuant to subsection 5(2); and

F is the total amount of expenses incurred by the common fund pursuant to sections 47.2 and 47.3 of the Act during that quarter.

19 Jly 2002 cP-36.3 Reg 1 s4; 13 Dec 2002 SR 113/2002 s4.

**Distribution of interest**

**5(1)** After the end of each quarter, the public guardian and trustee shall calculate the interest payable to each client in accordance with the following formula and distribute that amount to each client's account:

$$\text{Interest payable} = \frac{A \times B}{C}$$

where:

A is the interest calculated pursuant to section 4;

B is the average of the daily closing balances for that quarter for that client; and

C is the total of the average of the daily closing balances for that quarter for all clients of the public guardian and trustee.

(2) If the public guardian and trustee releases a client's account, the public guardian and trustee shall calculate the interest payable to that client in accordance with the following formula and pay that amount to the client:

$$\text{Interest payable} = \frac{A \times B \times C}{D \times E}$$

where:

A is the average of the daily closing balances for that client's account from the first day of the quarter following the most recent quarter for which interest was calculated pursuant to subsection (1) to the day before the client's account is released;

B is the interest calculated pursuant to section 4 for the most recent quarter for which interest was calculated;

C is the number of days from the first day of the quarter following the most recent quarter for which interest was calculated pursuant to subsection (1) to the day before the client's account is released;

D is the total of the average of the daily closing balances for the most recent quarter for which interest was calculated pursuant to section 4 for all clients of the public guardian and trustee; and

E is the number of days in the most recent quarter for which the interest was calculated pursuant to section 4.

(3) **Repealed.** 21 Sep 2012 SR 65/2012 s4.

(4) **Repealed.** 21 Sep 2012 SR 65/2012 s4.

19 Jly 2002 cP-36.3 Reg 1 s5; 13 Dec 2002 SR 113/2002 s5; 21 Sep 2012 SR 65/2012 s4.

#### Calculation and distribution of dividends

**6(1)** After the end of each quarter, the public guardian and trustee shall calculate the dividends in accordance with the following formula:

$$\text{Dividends} = A + B - C$$

where:

A is the accrued dividends from all common fund investments at the end of that quarter;

B is the dividends received from all common fund investments during that quarter; and

C is the accrued dividends from all common fund investments at the end of the previous quarter.

(2) After the end of each quarter, the public guardian and trustee shall calculate the dividends payable to each client calculated in accordance with the following formula and distribute that amount to each client's account:

$$\text{Dividends payable} = \frac{A \times B}{C}$$

where:

A is the dividends calculated pursuant to subsection (1);

B is the average of the daily closing balances for that quarter for that client; and

C is the total of the average of the daily closing balances for that quarter for all clients of the public guardian and trustee.

(3) **Repealed.** 21 Sep 2012 SR 65/2012 s5.

(4) **Repealed.** 21 Sep 2012 SR 65/2012 s5.

19 Jly 2002 cP-36.3 Reg 1 s6; 13 Dec 2002 SR  
113/2002 s6; 21 Sep 2012 SR 65/2012 s5.

#### Calculation and distribution of capital gains and losses

7(1) In this section:

(a) **“custodian’s account”** means the account held by the financial institution that has been appointed as custodian;

(b) **“financial institution”** means the financial institution appointed by the public guardian and trustee pursuant to subsection (2);

(c) **Repealed.** 13 Dec 2002 SR 113/2002 s7.

(2) The public guardian and trustee may appoint a financial institution as custodian for the purposes of this section.

(3) After the end of each quarter, the public guardian and trustee shall calculate the capital gains or losses for that quarter in accordance with the following formula:

$$\text{Capital gains or losses} = A - B - C - D - E + F$$

where:

A is the market value of all common fund investments at the end of that quarter;

B is the market value of all common fund investments at the end of the previous quarter;

C is the amount of interest calculated in accordance with section 4 for that quarter;

D is the amount of dividends calculated in accordance with section 6 for that quarter;

E is the moneys deposited into the custodian’s account in that quarter; and

F is the moneys withdrawn from the custodian’s account in that quarter.

(4) After the end of each quarter, the public guardian and trustee shall:

(a) add any capital gain calculated in accordance with subsection (3) for that quarter to the amount of distributable capital gains or losses existing after the distribution of capital gains or losses for the previous quarter; or

(b) subtract any capital loss calculated in accordance with subsection (3) for that quarter from the amount of distributable capital gains or losses existing after the distribution of capital gains or losses for the previous quarter.

- (5) **Repealed.** 21 Sep 2012 SR 65/2012 s6.
- (6) After the end of each quarter, the public guardian and trustee:
- (a) may set the amount of the capital gains or losses to be distributed at that time, but that amount must not exceed the distributable capital gains or losses; and
  - (b) shall calculate the capital gains or losses payable in accordance with the following formula and distribute that amount to each client's account:

$$\text{Capital gains or losses payable} = \frac{A \times B}{C}$$

where:

A is the amount of capital gains or losses set by the public guardian and trustee to be distributed pursuant to this section;

B is the average of the daily closing balances for that quarter for that client; and

C is the total of the average of the daily closing balances for that quarter for all clients of the public guardian and trustee.

- (7) Any amounts set by the public guardian and trustee pursuant to subsection (6) shall be subtracted from the distributable capital gains or losses.

19 Jly 2002 cP-36.3 Reg 1 s7; 13 Dec 2002 SR 113/2002 s7; 21 Sep 2012 SR 65/2012 s6.

**No further interest, dividends or capital gains paid to estate**

**7.1** Notwithstanding sections 4 to 7, in the administration of the estate of a deceased person the public guardian and trustee may, after filing the final return for the deceased with the Canada Revenue Agency or receiving the clearance certificate respecting the deceased from the Canada Revenue Agency, determine that no further interest, dividends or capital gains are to be distributed to the estate.

21 Sep 2012 SR 65/2012 s7.

**Account set-up fee**

**8** The public guardian and trustee may charge the following fees for the setting up of an account for an infant or dependent adult:

- (a) in the case of an infant, a fee of \$20;
- (b) in the case of a dependent adult, a fee of \$200.

19 Jly 2002 cP-36.3 Reg 1 s8.

**Fee for accepting service of land titles document**

**9(1)** This section applies to areas of Saskatchewan governed by *The Land Titles Act, 2000*.

- (2) The public guardian and trustee may charge a fee of \$50 for accepting service of a document served on the public guardian and trustee pursuant to clause 115(3) (a) of *The Land Titles Act, 2000*.

19 Jly 2002 cP-36.3 Reg 1 s9.

**Fees for sale of real property**

**10** The following fees are payable to the public guardian and trustee for handling a real estate transaction on behalf of any client of the public guardian and trustee:

- (a) if a real estate agent is involved in the transaction, 1% of the purchase price, with a minimum fee of \$500 and a maximum fee of \$1,500;
- (b) if no real estate agent is involved in the transaction, 3% of the purchase price, with a minimum fee of \$500 and a maximum fee of \$1,500.

4 Dec 2020 SR 117/2020 s5.

**Fees for filing income tax return**

**11(1)** The public guardian and trustee may charge a fee of \$30 for each income tax return prepared and filed on behalf of any client of the public guardian and trustee.

(2) If, in the opinion of the public guardian and trustee, the work involved in preparing and filing an income tax return warrants a fee that is greater than the fee mentioned in subsection (1), the public guardian and trustee may charge a greater fee, to a maximum of \$100.

(3) The public guardian and trustee may charge a fee of \$100 for each income tax return prepared and filed on behalf of a missing person pursuant to *The Missing Persons and Presumption of Death Act*.

(4) The public guardian and trustee may charge:

- (a) a fee of \$100 for each income tax return prepared and filed by the public guardian and trustee on behalf of a deceased person pursuant to paragraph 150(1)(b) of the *Income Tax Act* (Canada); and
- (b) a fee of \$100 for each income tax return prepared and filed by the public guardian and trustee on behalf of an estate or trust pursuant to paragraph 150(1)(c) of the *Income Tax Act* (Canada).

(5) If, in the opinion of the public guardian and trustee, the work involved in preparing and filing an income tax return warrants a fee that is greater than the fee mentioned in subsection (3) or (4), the public guardian and trustee may charge a greater fee, to a maximum of \$300.

4 Dec 2020 SR 117/2020 s5.

**Litigation guardian fees**

**12** The public guardian and trustee may charge a fee of \$500 for acting as litigation guardian of an infant or an adult.

19 Jly 2002 cP-36.3 Reg 1 s12; 4 Dec 2020 SR 117/2020 s6.

**Personal income protection program**

**13** The public guardian and trustee may charge a fee of \$50 for processing the file and providing advice for each infant for whom payments are made under the personal injury protection plan pursuant to Part VIII of *The Automobile Accident Insurance Act*.

19 Jly 2002 cP-36.3 Reg 1 s13.

**Fees for legal services**

**14** The public guardian and trustee may charge one or more of the following fees in relation to legal services performed by the public guardian and trustee or any lawyer employed by the public guardian and trustee:

- (a) a fee for each hour spent on the matter at an hourly rate set by the public guardian and trustee, not to exceed \$200 per hour;
- (b) a fee for the legal service:
  - (i) if the legal service is identified in the tariff of costs in *The Queen's Bench Rules*, at a rate set out in that tariff of costs; and
  - (ii) if the legal service is identified in the tariff suggested by the Law Society of Saskatchewan, at a rate set out in that tariff;
- (c) any fee approved or ordered by the court.

19 Jly 2002 cP-36.3 Reg 1 s14; 13 Jly 2007 SR 60/2007 s3; 21 May 2010 SR 54/2010 s2.

**Fees for investigation**

**14.1(1)** The public guardian and trustee may charge a fee of \$150 per half day or part of a half day for any initial investigation or inspection undertaken when he or she first starts to act for a client of the public guardian and trustee or that client's estate.

(2) The public guardian and trustee may charge a fee of \$40 per hour or part of an hour for any investigation or inspection done on behalf of:

- (a) any client of the public guardian and trustee or that client's estate; or
- (b) a person performing similar functions and having similar powers and duties as the public guardian and trustee in another jurisdiction of Canada.

4 Jly 2014 SR 62/2014 s4.

**Recovery of disbursements**

**15** The public guardian and trustee may recover any actual and reasonable disbursement made on behalf of a client of the public guardian and trustee from that client or the estate of that client.

19 Jly 2002 cP-36.3 Reg 1 s15.

**Fees for acting - various**

**16(1)** The public guardian and trustee may charge the fees set out in subsection (2) if the public guardian and trustee:

- (a) is appointed as property guardian for an adult pursuant to The Adult Guardianship and Co-decision-making Act or is appointed, or has executed an acknowledgement to act, as property guardian for an adult pursuant to *The Public Guardian and Trustee Act*;
- (b) administers the property of an infant;
- (c) acts as a trustee pursuant to clause 6.1(d) of the Act, unless a different fee is ordered by the court or agreed to by the public guardian and trustee and the beneficiaries of the trust;

- (d) administers property pursuant to the terms of a power of attorney, unless a different fee is agreed to by the public guardian and trustee and the person appointing the public guardian and trustee to administer the property; or
  - (e) holds funds for an owner or beneficiary that is unknown or cannot be located.
- (2) In the circumstances listed in subsection (1), the public guardian and trustee may charge the following fees:
- (a) 7% of the income received from:
    - (i) agricultural or commercial enterprises;
    - (ii) a lease of residential property; and
    - (iii) real property other than the interest portion of payments received as a vendor pursuant to an agreement for sale or as a mortgagee pursuant to a mortgage;
  - (b) 5% of the income received from:
    - (i) bank deposits;
    - (ii) bonds, debentures and other securities;
    - (iii) the interest portion of payments received as a vendor pursuant to an agreement for sale or as a mortgagee pursuant to a mortgage on real property; and
    - (iv) any other source;
  - (c) for each month, 1/12th of 1% of the market value of the gross assets of the trust at the end of that month;
  - (d) 1% of capital receipts.

4 Jly 2014 SR 62/2014 s5; 4 Dec 2020 SR  
117/2020 s7.

**Fees for adults**

17(1) If the public guardian and trustee is appointed as property co-decision-maker or temporary property guardian for an adult pursuant to *The Adult Guardianship and Co-decision-making Act*, the public guardian and trustee may charge a fee of \$250 per month to administer the adult's estate.

(2) If the public guardian and trustee is appointed as personal guardian for an adult pursuant to *The Adult Guardianship and Co-decision-making Act*, the public guardian and trustee may charge a fee of \$250 per month to act as personal guardian.

4 Jly 2014 SR 62/2014 s5.

**Fees for acting as property guardian of missing person**

18(1) If the public guardian and trustee is appointed as a property guardian pursuant to *The Missing Persons and Presumption of Death Act* to administer the property of a person declared to be a missing person pursuant to that Act, the public guardian and trustee may charge a fee equal to the greater of:

- (a) \$300; and
- (b) if the value of the gross assets is:
  - (i) \$50,000 or less, 7% of the value;
  - (ii) more than \$50,000 but \$100,000 or less, \$3,500 plus 5% of the value in excess of \$50,000; or
  - (iii) more than \$100,000, \$6,000 plus 4% of the value in excess of \$100,000.

(2) In addition to the fee payable pursuant to subsection (1), the public guardian and trustee may charge the following fees with respect to a missing person's estate file that has been open for 24 months or more:

- (a) for each month, an amount equal to 1/12 of 1% of the market value of the gross assets of the estate at the end of that month;
- (b) a fee equal to 5% of the income received;
- (c) a fee equal to 1% of capital receipts.

4 Dec 2020 SR 117/2020 s8.

**Fees for administering deceased person's estate**

18.1(1) The fee payable to the public guardian and trustee for administering a deceased person's estate, acting as litigation guardian of a deceased person's estate or in any other way managing the affairs of a deceased person is an amount equal to the greater of:

- (a) \$1,500; and
- (b) if the value of the gross assets of the estate is:
  - (i) \$50,000 or less, 7% of the value;
  - (ii) more than \$50,000 but \$100,000 or less, \$3,500 plus 5% of the value in excess of \$50,000; or
  - (iii) more than \$100,000, \$6,000 plus 4% of the value in excess of \$100,000.

(2) In addition to the fee payable pursuant to subsection (1), the public guardian and trustee may charge the following fees with respect to an estate file that has been open for 24 months or more:

- (a) for each month, an amount equal to 1/12 of 1% of the market value of the gross assets of the estate at the end of that month;
- (b) a fee equal to 5% of income received.

- (3) The public guardian and trustee may charge a fee of \$150 per half day or part of a half day for any initial investigation or inspection undertaken when the public guardian and trustee first undertakes the administration of an estate.
- (4) The public guardian and trustee may charge a fee of \$40 per hour or part of an hour for any investigation or inspection done with respect to the administration of an estate.
- (5) If the public guardian and trustee considers it appropriate, the public guardian and trustee may require an interim payment of a fee mentioned in this section during the administration of the estate.
- (6) If, in the opinion of the public guardian and trustee, the work performed by the public guardian and trustee warrants a fee that is less than the fees mentioned in this section, the public guardian and trustee may charge a lesser fee.

4 Dec 2020 SR 117/2020 s8.

**19 Repealed.** 4 Jly 2014 SR 62/2014 s7.

**20 Repealed.** 4 Jly 2014 SR 62/2014 s7.

**21 Repealed.** 4 Jly 2014 SR 62/2014 s7.

**Fees for certain services**

**22(1) Repealed.** 21 Sep 2012 SR 65/2012 s11.

(2) The following fees are payable to the public guardian and trustee for the following services provided in relation to lands governed by *The Land Titles Act, 2000*:

- (a) \$15 for a certificate of the public guardian and trustee given pursuant to clause 71(2)(c), 71(4)(a), 72(2)(c) or 72(3)(a) of *The Land Titles Regulations, 2001* with respect to an estate the gross value of which is \$2,000 or less;
- (b) \$30 for a certificate of the public guardian and trustee given pursuant to clause 71(2)(c), 71(4)(a), 72(2)(c) or 72(3)(a) of *The Land Titles Regulations, 2001* with respect to an estate the gross value of which exceeds \$2,000;
- (c) \$15 when the material submitted pursuant to clause (a) or (b) requires further correspondence;
- (d) \$20 for a duplicate of a certificate mentioned in clause (a) or (b);
- (e) for a consent pursuant to clause 71(4)(b) or 72(3)(b) of *The Land Titles Regulations, 2001* to:
- (i) a proposed dealing by a personal representative with respect to land, \$50 if:
- (A) the estate's interest in the land is of a sworn value of \$40,000 or less;
- (B) the land is being transferred pursuant to the terms of a will;
- (C) the proposed dealing is made pursuant to a court order; or
- (D) no infant has or could have an interest in the proposed dealing;
- or
- (ii) a proposed dealing not mentioned in subclause (i), \$50 plus \$1 for each \$1,000 or portion of each \$1,000 by which the sworn value of the estate's interest in the land exceeds \$50,000, to a maximum fee of \$500;

- (f) \$20 for a duplicate of a consent mentioned in clause (e);
- (g) for a consent to a disposition of land not mentioned in clause (e), \$50 plus \$1 for each \$1,000 or portion of each \$1,000 by which the sworn value of the land at the time of the disposition exceeds \$50,000, to a maximum fee of \$500;
- (h) \$20 for a duplicate of a consent to a disposition of land mentioned in clause (g);
- (i) \$30 for a consent to the withdrawal of any interest registered against a title;
- (j) \$30 for a general consent of the public guardian and trustee given for the purposes of section 71 or 72 of *The Land Titles Regulations, 2001*;
- (k) \$20 for a duplicate of a general consent mentioned in clause (j);
- (l) \$50 for the signing of any instrument on behalf of an infant;
- (m) \$50 for issuing a consent to a grant of letters of administration of any type without bond;
- (n) for consenting, on behalf of an infant, to a settlement of a claim for personal injuries or a claim made pursuant to *The Fatal Accidents Act*:
  - (i) \$50 if the damages payable to an infant are \$10,000 or less;
  - (ii) \$100 if the damages payable to an infant are more than \$10,000 but not more than \$25,000;
  - (iii) \$200 if the damages payable to an infant are more than \$25,000 but not more than \$50,000;
  - (iv) \$300 if the damages payable to an infant are more than \$50,000 but not more than \$100,000; and
  - (v) for each additional \$10,000 of damages payable to an infant or portion of each \$10,000 of damages exceeding \$100,000, \$10, to a maximum fee of \$500;
- (o) \$30 for authorizing payment of infants' funds to a responsible adult pursuant to section 16 of the Act;
- (p) \$20 for releasing an account.

19 Jly 2002 cP-36.3 Reg 1 s224; 21 Sep 2012 SR  
65/2012 s11.

**Infants' maintenance**

**23(1)** The public guardian and trustee may pay on behalf of an infant the following from the infant's account:

- (a) an annual sum not exceeding:
  - (i) \$3,600 for maintenance or room and board; and
  - (ii) \$1,000 for clothing;
- (b) the actual cost of tuition at an educational institution;
- (c) the actual cost of medical or dental expenses.

(2) When, in the opinion of the public guardian and trustee, the best interests of an infant or special circumstances with respect to the infant require that additional expenditures be made, the public guardian and trustee may make additional expenditures to satisfy those best interests or meet those special circumstances.

19 Jly 2002 cP-36.3 Reg 1 s23.

**Payments from public guardian and trustee's current account**

24(1) The public guardian and trustee may make the following payments from his or her current account:

- (a) payments to the general revenue fund;
- (b) refunds of fees if overpayments have been made;
- (c) expenditures on behalf of an infant, dependent adult or deceased's estate, if the infant, dependent adult or deceased's estate will reimburse the public guardian and trustee when funds become available;
- (d) expenditures when acting as a property guardian pursuant to *The Missing Persons and Presumption of Death Act*, as a trustee pursuant to *The Trustee Act, 2009* or pursuant to a power of attorney, if the missing person's estate, the trust estate or the property that is subject to the power of attorney will be used to reimburse the public guardian and trustee when funds become available;
- (e) payments to legal counsel acting on behalf of the public guardian and trustee.

(2) Payments made pursuant to clauses (1)(c), (d) and (e) that cannot be recovered by the public guardian and trustee are to be recovered through appropriation.

19 Jly 2002 cP-36.3 Reg 1 s24; 21 Sep 2012 SR 65/2012 s12.

**Closing of accounts**

25(1) As soon as is practicable after an infant for whom the public guardian and trustee has administered an account attains the age of 18 years, and on receiving a release of all claims with respect to the administration of the account from the person for whom it was administered, the public guardian and trustee shall:

- (a) pay to that person, from the common fund, the balance of that person's account; and
- (b) deliver to that person all documents, titles and securities held on that person's behalf.

(2) As soon as is practicable after the public guardian and trustee ceases to act for a dependent adult and on receiving a release of all claims with respect to the administration of the dependent adult's estate from the person or the person's personal representative, the public guardian and trustee shall:

- (a) pay to that person or that person's personal representative, from the common fund, the balance of that person's account; and
- (b) deliver to that person or that person's personal representative all documents, titles and securities held on that person's behalf.

- (3) When the public guardian and trustee is ready to distribute an estate administered on behalf of a deceased person, and on receiving a release of all claims with respect to the administration of the deceased person's estate from each beneficiary or his or her personal representative, the public guardian and trustee shall, as soon as is practicable:
- (a) pay to each beneficiary or his or her personal representative, from the common fund, the portion of the estate's account to which the beneficiary is entitled; and
  - (b) deliver to each beneficiary or his or her personal representative all documents, titles and securities to which the beneficiary is entitled.
- (4) When the public guardian and trustee is notified that another person has been granted letters probate or letters of administration for an estate administered by the public guardian and trustee on behalf of a deceased person, and on receiving a release of all claims with respect to the administration of the deceased person's estate from the administrator or executor taking over administration from the public guardian and trustee, the public guardian and trustee shall, as soon as is practicable:
- (a) pay to the administrator or executor, from the common fund, the balance of the estate's account; and
  - (b) deliver to the administrator or executor all documents, titles and securities related to the estate.
- (5) After an account is closed, if the public guardian and trustee receives any income of \$25 or less for that account, the public guardian and trustee may determine that no further funds are payable.

19 Jly 2002 cP-36.3 Reg 1 s25; 13 Jly 2007 SR 60/2007 s4; 4 Jly 2014 SR 62/2014 s8.

**Administration of account after infant becomes an adult**

- 26(1)** In this section, “**adult**” means a person who is 18 years of age or older.
- (2) If the public guardian and trustee has administered an account for an infant, the public guardian and trustee may continue to hold those funds once the infant becomes an adult if:
- (a) the public guardian and trustee does not receive a release pursuant to subsection 25(1); or
  - (b) the adult submits a written request to the public guardian and trustee to hold those funds until that adult reaches a specified age, not to exceed 25 years of age.

19 Jly 2002 cP-36.3 Reg 1 s26.

**Forms**

- 27(1)** The acknowledgement to act mentioned in section 29 of the Act is to be in Form A in the Appendix.
- (2) **Repealed.** 4 Dec 2020 SR 117/2020 s9.
- (3) The cancellation of an acknowledgement to act mentioned in section 29 of the Act is to be in Form C in the Appendix.

19 Jly 2002 cP-36.3 Reg 1 s27; 4 Jly 2014 SR 62/2014 s9; 4 Dec 2020 SR 117/2020 s9.

**When letters of administration not required**

**27.1** The amount prescribed for the purposes of subsection 40.47(1) of the Act is \$25,000.

4 Dec 2020 SR 117/2020 s10.

**R.R.S. c.P-43.1 Reg 2 repealed**

**28** *The Public Trustee Regulations, 1999* are repealed.

19 Jly 2002 cP-36.3 Reg 1 s28.

**Coming into force**

**29** These regulations come into force on the day on which they are filed with the Registrar of Regulations.

19 Jly 2002 cP-36.3 Reg 1 s29.

**Appendix**

FORM A

[Subsection 27(1)]

IN THE MATTER OF \_\_\_\_\_  
of \_\_\_\_\_,  
SASKATCHEWAN AND IN THE MATTER OF *THE PUBLIC GUARDIAN AND TRUSTEE ACT*.

**ACKNOWLEDGEMENT**

The public guardian and trustee of Saskatchewan, pursuant to clause 29(2)(a) of *The Public Guardian and Trustee Act*, acknowledges that the public guardian and trustee is the property guardian for \_\_\_\_\_.

DATED at the City of \_\_\_\_\_, in the Province of Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Pursuant to subsection 29(3.01) of *The Public Guardian and Trustee Act*, the authority of the public guardian and trustee is subject to the following limitations:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(seal)

PUBLIC GUARDIAN AND TRUSTEE OF SASKATCHEWAN

Per: \_\_\_\_\_

19 Jly 2002 cP-36.3 Reg 1; 13 Jly 2007 SR 60/2007 s5; 4 Jly 2014 SR 62/2014 s10; 4 Dec 2020 SR 117/2020 s11.

FORM B

[Subsection 27(2)]

**Repealed.** 4 Dec 2020 SR 117/2020 s11.

FORM C  
[Subsection 27(3)]

IN THE MATTER OF \_\_\_\_\_  
of \_\_\_\_\_ ,

SASKATCHEWAN AND IN THE MATTER OF *THE PUBLIC GUARDIAN AND TRUSTEE ACT*.

CANCELLATION OF ACKNOWLEDGEMENT TO ACT

The public guardian and trustee of Saskatchewan, pursuant to subsection 29(3.1) of *The Public Guardian and Trustee Act*, revokes the acknowledgement that the public guardian and trustee is the property guardian

for \_\_\_\_\_ .

DATED at the City of \_\_\_\_\_ , in the Province of Saskatchewan,  
this \_\_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_ .

(seal)

PUBLIC GUARDIAN AND  
TRUSTEE OF SASKATCHEWAN

Per: \_\_\_\_\_

