
Office of the Public Guardian and Trustee

Legislative Amendments Affecting the Legal Profession

This notice is to inform you of several amendments to the *Public Trustee Act* (PTA), *Adult Guardianship and Trusteeship Act* (AGTA), and associated regulations that came into effect on **April 1, 2026**. While many amendments were made across the legislation, the items below highlight some of the changes that may be relevant to lawyers who practice in these areas.

New Notice Requirement to the Public Trustee

Section 6 of the PTA, has been amended to include that:

- The Public Trustee cannot be required to act unless it has explicitly consented to the appointment.
- When another Act authorizes a court to direct the Public Trustee to act, the Public Trustee **must now be given 15 days' notice** of any court application seeking that appointment.
- Service on the Public Trustee can be done by courier to the Edmonton or Calgary Public Trustee office, or fax. Contact information can be found in the additional resources section below.

Notice to Proceed under the *Limitations Act*

Where the Public Trustee acts as litigation representative of a minor, the Public Trustee is entitled to be compensated for doing so **by the potential defendant** as defined in section 5.1(1)(b) of the *Limitations Act*. Section 23 of the PTA, has been amended to include that:

- The fee **cannot** come out of the money recovered for a minor.
- The fee has been amended from \$500 to **\$1000**.

New Specific Decision-Making authority for the Public Trustee to make financial decisions that support placement

- A new Specific Decision-Making authority allows the Public Trustee to make specific financial decisions when an adult lacks capacity and financial barriers are preventing an appropriate placement (AGTA Division 1.1, ss.100.1–100.8). It is important to note that only the Public Trustee has this authority and can only be used for matters related to placement.

- The legislation defines what qualifies as a financial decision, designates health care providers as authorized assessors, and clarifies assessment steps, adults' rights, and responsibility for completing Form 6 (AGTR ss.2(2.1), 18–21.1).
- Updated forms support implementation: The existing Forms 6 and 10 now include assessment of capacity for financial decisions, and a new Form 11 provides notice of specific financial decisions made by the Public Trustee (AGT(M)R Forms 6, 10, and 11). Revised Forms 6, 10, and 11 are posted on Alberta.ca.
- Similar to the existing Specific Decision-Making authority, a formal court review mechanism allows eligible individuals, including the adult, to apply to review specific financial decisions, with requirements for documentation and notice to affected parties (AGTA s.100.5; AGTR s.85.1)

Ability to apply for a desk review of a co-decision-making, guardianship, or trusteeship order under the *Adult Guardianship and Trusteeship Act*

- This amendment allows for an alternate guardian, alternate trustee, interested person, or the adult to initiate a desk application to review a co-decision-making, guardianship, or trusteeship order (AGTR Section 47). Previously, only a co-decision-maker, guardian, or trustee could initiate a review of an order by desk application, while any other parties were required to make a review application by hearing.

Additional Resources

- [Adult Guardianship and Trusteeship Act](#) (AGTA)
- [Adult Guardianship and Trusteeship Regulation](#) (AGTR)
- [Adult Guardianship and Trusteeship Ministerial Regulation](#) (AGTMR)
- [Public Trustee Act](#) (PTA)
- [Public Trustee General Regulation](#) (PTGR)
- [Public Trustee Investment Regulation](#) (PTIR)
- Service Options:
 - Public Trustee – Edmonton
4th Floor, 10365 - 97 St NW, Edmonton AB T5J 3Z8
Fax: 780-422-9136
 - Public Trustee – Calgary
9th Floor, 444 - 7 Ave SW, Calgary AB T2P 0X8
Fax: 403-297-2823

Questions?

Please contact the Office of the Public Guardian and Trustee at OPGT.LegislationInquiries@gov.ab.ca