THE PUBLIC TRUSTEE AND DEPENDENT ADULT APPLICATIONS

I.   INTRODUCTION

The Office of the Public Trustee was created in 1949 with the passing of *Public Trustee Act*. Pursuant to that Act, the Public Trustee became the successor to the Administrator of Estates of the Mentally Incompetent and all property and assets previously held by that office became vested in the Public Trustee.

Pursuant to the *Public Trustee Act*, the Public Trustee is a lawyer with at least ten years of standing. The present Public Trustee is J.E. Klinck QC. The Office of the Public Trustee is a division of Alberta Justice and maintains offices in Edmonton and Calgary. The two offices split the work of the Public Trustee geographically within the province with the Calgary office being primarily responsible for matters which arise in the four most southern judicial districts (Calgary, Drumheller/Hanna, Medicine Hat and Lethbridge/MacLeod) and the Edmonton office handling matters in the other seven judicial districts (Peace River, Fort McMurray, Grande Prairie, Edmonton, St. Paul, Wetaskiwin and Red Deer). Both offices are staffed primarily by trust administrators with support from audit, income tax, legal and financial services departments.

The powers and duties of the Public Trustee with respect to dependent adults are primarily found in the *Dependent Adults Act* and the *Public Trustee Act*. The Public Trustee's role includes acting as trustee of last resort for dependent adults in the Province of Alberta, acting as limited trustee of the estates of dependent adults in certain circumstances, receiving notice of applications involving private trusteeship matters and commenting where required and assisting the Court in respect of dependent adult matters.

II.   THE PUBLIC TRUSTEE AND PRIVATE TRUSTEESHIP APPLICATIONS

A.   Applications to Appoint a Trustee

The Public Trustee is required to be served with notice of any application to appoint a trustee under the *Dependent Adults Act* pursuant to section 31(2)(e) of the Act. Section 31(8) provides