

## **GENERAL INFORMATION REGARDING APPEALS**

Decisions of the Vulnerable Persons' Commissioner, other than decisions pertaining to the referral or non-referral of a matter to a hearing panel and approvals of the temporary placement of a vulnerable person in a developmental centre, are subject to appeal in accordance with Division 9 of *The Vulnerable Persons Living With A Mental Disability Act*, S.M. 1993, c. 29 – Cap. V90.

The following persons may commence an appeal:

- (a) The person who applied for the appointment of a substitute decision maker or other decision of the Vulnerable Persons' Commissioner;
- (b) The person for whom the application was made or a review undertaken;
- (c) The person who was proposed in the application to be the substitute decision maker;
- (d) Any currently-appointed substitute decision maker for the person referred to in clause (b);
- (e) The committee for the person referred to in clause (b);
- (f) Any other person who was given notice of the decision being appealed and who made representations to a hearing panel or to the Vulnerable Persons' Commissioner;
- (g) Any person with leave of the Court.

An appeal is commenced by filing a *Notice of Application* in the Manitoba Court of Queen's Bench. The *Notice of Application* must be filed and served within 30 days after receipt of a copy of the decision the person wishes to appeal or within such further time as the Court permits. The *Notice of Application* must be served on each person who was given notice of the decision being appealed and on the Vulnerable Persons' Commissioner. An appeal will not be heard by the Court unless the Public Trustee is also served with a copy of the *Notice of Application* at least 10 days prior to the date fixed for the hearing.

Please note that the information herein is not legal advice and is provided for general informational purposes only. Persons wishing to commence an appeal should consult *The Vulnerable Persons Living With A Mental Disability Act* and/or a lawyer.