NATIONAL BANK

Power of Attorney and Joint Account

Useful information

Power of Attorney

What is a power of attorney?

A power of attorney is a document that you sign to grant someone the legal right to act on your behalf, such as to manage your money and property.

A power of attorney or mandate (Quebec) is a contract through which someone designates another person to act in his or her name and interest in completing a legal act with a third party. The person who gives the mandate is called the grantor or mandatory (Quebec) and the person who receives the power of attorney is called the attorney or mandatary (Quebec).

You can give either a written or verbal power of attorney; however, having a written power of attorney makes it easier to provide evidence of the power of attorney should a conflict later arise. National Bank only recognises written powers of attorney because they demonstrate that the person seeking to act on your behalf is truly your attorney. Because of this, National Bank will not accept verbal powers of attorney of any kind.

The power of attorney can take the form of a private letter or a more complex document. National Bank provides its own model form for its customers to use in creating a written power of attorney, **but you are not obligated to use it**. You can use your own format of written power of attorney, created with the help of a legal professional, as long as it respects the legal criteria of the province or territory where you reside. The written power of attorney should at least include the following information:

— The date it was written;

— The grantor's name;

— The attorney(s')'s name(s);

— A description of the responsibility conferred upon the attorney(s);

— The grantor's signature.

National Bank's model form may not necessarily be the best option for your particular situation or meet all of your current needs, or it may create a conflict with an existing power of attorney you have. Because of this, if you choose to use the form we provide, we encourage you to seek independent legal advice.

In the province of Quebec, you do not need witnesses to the mandate, nor are you obligated to deposit the mandate with a notary. Some other provinces and territories require that the power of attorney be witnessed and signed to that effect.

You can modify or terminate a power of attorney at your discretion and at any time, so long as you are fit[1] to make such decisions.

1 Generally, to be considered capable, you must be able to understand the meaning and consequences of legal and financial decisions.

When adding an attorney to your account, we will validate your identity and verify the identity of your attorney in order to, among other things, prevent identity theft and comply with anti-money laundering and anti-terrorist financing requirements. To this end, each of you will present the required identification documents, as described in detail in the brochure "Access to Basic Banking Services," available on nbc.ca.

We also require either the original written power of attorney or a certified copy thereof.

Once you have presented a power of attorney to National Bank, we will make the necessary verifications. For example, if the power of attorney that is submitted to us raises questions about the range of powers accorded to your attorney, we may review the power of attorney in more depth. In this case, we would inform you of the delay required for us to complete this analysis (which could take several business days).

Which types of powers of attorney are used in Canada?

The types and requirements of powers of attorney that deal with property vary depending on the province or territory where you live.

A **General Power of Attorney** is a legal document that gives your attorney authority to manage all or some of your finances and property on your behalf, but only while you are capable of managing your own affairs. It ends if you become incapable of managing your own affairs.

A power of attorney can be specific or limited, which means that it gives your attorney the authority to either accomplish a specific task (e.g., sell a house) or act on your behalf for a specific period of time. The power of attorney can start as soon as you sign it, or it can start on a specific date that you write in the document.

In provinces other than Quebec, an **Enduring or Continuing Power of Attorney** is the most common type used. It usually takes effect as soon as you sign it while you are still capable, and it allows you to monitor the actions of your attorney. In the event that you became incapable, your attorney is therefore able to continue acting on your behalf.

It is also possible to request that the power of attorney only takes effect **upon any specific event**, such as if you became incapable. In Quebec, a similar representation measure is known as a protection mandate.

This legal document allows your attorney to act on your behalf, but only if you were to become incapable of managing your finances and property or when the event specified in the power of attorney occurs.

The different types of powers of attorney	
General Power of Attorney	— Effective immediately — Ends in the event of incapacity — The attorney can manage current affairs — The grantor may monitor the attorney
Protection mandate (Quebec)	In Quebec: Effective only in the event of incapacity and after probate
Enduring or Continuing Power of Attorney (In provinces other than Quebec)	— Can be effective immediately — Remains effective even in the event of incapacity — It is the most common type of power of attorney outside Quebec
Limited Power of Attorney	Sets limits to the attorney (authority or time during which this authority may be exercised)

Choosing an attorney

Unless you limit your attorney's authority, this person can manage your finances and property in the same manner you would for yourself. Your attorney does not become the owner of any of your money or property, but has the authority to manage it on your behalf, in accordance with the terms of the power of attorney and the applicable law. That is why it is important to:

— Name someone you can really trust (your spouse, a close friend or a family member);

— Consult a legal advisor to help you properly draft the power of attorney and the extent of the authority that you wish to grant to your attorney.

Also, the law requires, among other things, that a power of attorney may only be considered valid if you are capable at the time it is signed.

What are the legal responsibilities of my attorney?

Your attorney's legal responsibilities vary depending on the province or territory where you live. But this person must, at all times, act in your best interest and manage your affairs in accordance with the instructions laid out in the power of attorney.

If we receive instructions from your attorney that don't appear to be in your best interests or that seem unusual, we will inform you of these instructions. In this case, we may also complete a more in-depth review of the instructions and, if needed, will inform you of the delay required for this analysis (which may be several business days). When a review concerns a presumed financial exploitation or another illicit activity by the attorney, we are not obligated to inform the attorney of the review and we may even be forbidden from doing so.

What are the risks and benefits of a power of attorney?

Benefits	
Practicality	— You choose the person who will have the authority to manage your property. — The attorney must act in your best interest, and may be required by law to account for and explain how he or she is managing your money and property.
Flexibility	You may choose to appoint more than one attorney in order to reduce potential fraudulent use of the power of attorney.
Convenience	— You may appoint someone to manage your money while you are away temporarily or if you need help managing your affairs. — Enduring or Continuing Power of Attorney (or a Protection mandate, in Quebec) allows your attorney to look after your affairs if you become mentally incapable.

Risks	
You fall victim to financial abuse	Your money and property could be mismanaged if the attorney you have chosen isn't trustworthy, uses your money improperly, or does not make decisions that are in your best interest.
The power of attorney is not up to date	— If the power of attorney isn't reviewed regularly, it might no longer meet your current needs or legal requirements. — The person you had previously appointed may no longer be the best choice or may no longer be available.

Joint Account

What is a joint account?

A joint account is a bank account opened in the names of two (or more) individuals. There are various reasons for opening a joint account. The most common is certainly to make it easier for a couple to manage their finances, especially when they need to pay shared expenses.

All of the individuals holding the joint account have the same rights when it comes to withdrawals, deposits and any other banking transactions allowed in the account. As a result, each accountholder can do transactions without first obtaining the other accountholder's permission, unless the account has been specifically set up to require this consent.

What happens in the event of death?

In Quebec:

If the joint account is held in Quebec, in the event of an accountholder's death, access to the account will be blocked until an executor has been designated to manage the estate's assets. In the meantime, withdrawals will only be possible in order to pay for urgent expenses and funeral costs.

Declaration on the distribution of assets in the account – Quebec only

Under the law, joint holders of a joint account who are spouses or former spouses and who are the only two joint holders of the account have the possibility to declare their respective shares in the account balance.

The notion of spouse and ex-spouse here includes the joint holders who are:

— Married;
— Civil-union spouses (civil union);
— Common-law spouses (common-law union);
— Divorced; or
— Ex-common-law spouses.

What you need to know:

— The purpose of this declaration is to allow you to access your funds more quickly in the event of the death of one of the two joint holders of the account.
— This declaration is used only for the purpose of remitting your shares in the event of death, and it does not change your rights or obligations regarding the management of the joint account.
— In the absence of a written declaration, your respective shares in the account will be presumed to be 50%/50%.
— A separate declaration must be completed for each of your joint accounts, even if they are held by the same two joint holders.
— If you wish to complete a declaration, you may do so at the time of opening the joint account, or at any time thereafter, by contacting your branch.
— It is your responsibility to notify us of any changes to your respective shares in the account.
— You can change this declaration at any time.

Elsewhere in Canada:

If the joint account is held in another province or territory outside Quebec, then the account will be subject to a right of survivorship. This means that in the event of death of one accountholder, the surviving accountholder retains all their rights relative to the use of the joint account, including any remaining balance.

Risks associated with joint accounts

— Since both accountholders own the joint account, each person can manage the account at his or her discretion without the consent of the other accountholder, including, for example, by withdrawing funds or even by closing the account. National Bank will accept the instructions of either accountholder because both of these individuals is authorised to act alone, even though the account is jointly held (unless otherwise indicated).

— The accountholders are jointly responsible for all of the instructions received by the bank relating to the joint account and for the commitments made by each accountholder relative to the joint account.

— If the couple separates or divorces, the funds in the joint account may be considered marital property.

— If the bank receives a garnishing order (seizure by garnishment), the joint account could be frozen, or in some provinces garnished, preventing the accountholders from accessing the funds.

— The funds deposited in the account may be subject to the rights of the creditors of either accountholder (for example, in the case of bankruptcy or insolvency) and may also be subject to claims made against either of the accountholders.

Before opening a joint account...

Ask people you trust about the risks and advantages of a joint account. Do you understand how a joint account works? Do you understand your obligations under a joint account? Since your account co-holder has the same rights as you with respect to the joint account, do you understand that he or she can use any of the funds in the account even if you deposited them?

— Is your joint account co-holder trustworthy?

— Has that person always been honest and upfront with you?

— Do you know the person well enough or have you known each other long enough to trust him or her?

— Is the person likely to act in your interest?

— Does the person have personal problems that could prevent him/her from managing your joint finances properly?

How much control will you have over the funds in the account?

— Have you asked your bank if there are ways to retain some control over the transactions done in the account?

— Are you in a position to regularly check the account statements for any irregularities?

What if something happens to one of the accountholders?

— Ask your financial institution or legal advisor to explain what would happen to your joint account property if one of the accountholders dies or becomes legally incapacitated.

— Consider including information about your joint account in your will so that your wishes will be clear.

Help and Additional Resources

Should you experience a problem with your power of attorney or your attorney's instructions that you would like to address with National Bank, please proceed as follows:

In the majority of cases, your concern can be resolved quickly by directly contacting the personnel or person responsible for client service at your local National Bank branch, either by phone or letter.

→ To get your branch's coordinates, call National Bank at 1-888-835-6281 or use nbc.ca/locator.

National Bank's complaint settlement process

— Consult the brochure "For a trust-based relationship" available on nbc.ca.

Additional resources

— "What every older Canadian should know about: Powers of Attorney (for financial matters and property) and Joint Bank Accounts" available at canada.ca › power-attorney-financial.

→ Should you have any questions, do not hesitate to contact us.

514-394-5555 | 1-888-835-6281

nbc.ca

® NATIONAL BANK and the NATIONAL BANK logo are registered trademarks of National Bank of Canada.
© National Bank of Canada, 2026. All rights reserved. Any reproduction, in whole or in part, is strictly prohibited without the prior written consent of National Bank of Canada.

29940-002 (2026/05)