

CANADA / JUDGMENT

Popove (Re)

2025 BCSC 2501

COURT

Supreme Court of British Columbia

DECIDED

7 November 2025

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2025 BCSC 2501 Popove (Re)

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Popove (Re),

2025 BCSC 2501

Date: 20251107

Docket: S8654

Registry: Kamloops

Re: The Patients Property Act, R.S.B.C. 1996, c. 349 and amendments thereto and In the Matter of
Rockey Allan Popove

Before: The Honourable Mr Justice Crerar

Oral Reasons for Judgment

In Chambers

Counsel for the Public Guardian and Trustee of British Columbia:

H. Mathison

S. Orstad

M. Banks, Articled Student

Counsel for the Executor and Beneficiary of the Estate, Genevieve Gail Mead:

C. Cates

K. Aneja

The Attendee, Audrey Laferriere, appearing in person:

A. Laferriere

Place and Date of Trial/Hearing:

Kamloops, B.C.

November 7, 2025

Place and Date of Judgment:

Kamloops, B.C.

November 7, 2025

- [1] THE COURT: Before me is an application of the Public Guardian and Trustee of British Columbia ("PGT") for the summary passing of its accounts for which it has served as committee of the late Rocky Allan Popove.
- [2] While the PGT was appointed committee of the financial affairs of Mr. Popove in 1991, the designated committee over his person is his sister, Genevieve Gail Mead.
- [3] Before me, I have counsel for the PGT. I also have counsel before me representing Genevieve Gail Mead, who, in addition to serving as the committee for Mr. Popove during his life, also serves as the executor and beneficiary of his estate.
- [4] Also before me is Ms. Audrey Laferriere, who is also a sister of the deceased.
- [5] Ms. Laferriere has a preliminary motion for standing to resist the PGT's passing of its accounts. Ms. Mead takes no position one way or the other with respect to the passing of the accounts. It would appear that this position or lack of position is motivated, in part, by various allegations levelled by Ms. Audrey Laferriere against her sister, Ms. Mead, with respect to the assistance she provided to their brother during the last 36 years or so of his life.
- [6] Ms. Laferriere raises various objections to the accounts as presented. I am satisfied that most of those objections are properly directed towards Ms. Mead rather than the PGT.
- [7] I note parenthetically that Ms. Laferriere has, earlier this year, attempted to have Ms. Mead removed as executor. Justice B. Smith dismissed that application on February 7, 2025, and confirmed that the estate grant be in Ms. Mead's hands. In reasons issued under the index of 2025 BCSC 929, Justice B. Smith ordered that Ms. Laferriere pay special costs based upon reprehensible conduct in making her unfounded allegations of fraud and dishonesty; see paragraphs --
- [8] AUDREY LAFERRIERE: Everything I said was true. There was no allegations.
- [9] THE COURT: -- 31, 34 and 35. Those reasons were issued on May 20, 2025.

- [10] It would appear from what I have heard today, including the words that just left her mouth, that today's proceedings would appear to be a continuation of this acrimonious series of allegations levelled against Ms. Mead by her sister, Ms. Laferriere.
- [11] Turning our focus to the application before the Court, that of the PGT. In February, the PGT provided to Ms. Mead, as the administrator and executor, all of its expenses: over some 169 pages with individual line items. Ms. Mead, in turn, forwarded those accounts to Ms. Laferriere on or around March 17, 2025. In a series of, I take it, extensive emails and other communications, Ms. Laferriere indicated that she objected to a wide variety of the expenses undertaken for the care of the late Mr. Popove by Ms. Mead that were, in turn, proved by the PGT.
- [12] The summary of expenses that Ms. Laferriere received in March of this year is largely identical to those before the court today. The only difference, of course, is the amounts that the PGT has had to spend between February 2025 and late October 2025. I am satisfied that those are quite minor expenses.
- [13] This matter came on the assize before me in Kamloops on Monday. I indicated to Ms. Laferriere that we would hear her application for standing as well as objections she may have to the accounts at the time the accounts application would be heard later this week on the assize that was set down for today: the Friday of the assize week.
- [14] I am satisfied that Ms. Laferriere has had ample time with the PGT's accounts in her possession to be in a position to identify specific line items that she objected to, as well as provide evidence in objection to those individual expenses. It is trite law that someone opposing the passage of accounts, which are an altogether common occurrence that are usually determined in summary form, bears a persuasive and evidentiary burden of establishing the impropriety or the need to investigate further those accounts. Ms. Laferriere has provided no evidence and provided very little in the way of specific objections today.
- [15] Those -- such evidence, of course, would inform the preliminary consideration of whether the court should make an extraordinary order granting Ms. Laferriere standing in this hearing. Ms. Laferriere, of course, is not the administrator or the executor. She is a residual beneficiary along with others of the will and estate of Mr. Popove.
- [16] I am satisfied under the statute that, first, the statute anticipates a process, the majority of which will pass with the signature of the administrator or the executor of the estate; and, second, where it is opposed, it will be nonetheless generally dealt with in a summary manner. I am also satisfied that this is supported under the plain wording of the statute, which limits the PGT's responsibility as committee to provide the committee's accounts to the executor or administrator of the patient's estate, rather than all of the potential beneficiaries of the estate, which number could, of course, be enormous. Needless to say, as evidenced by estate litigation, that would open the doors to potentially a long drawn-out process where a given beneficiary might level an objection with or without any evidentiary

basis and create a situation which is supposed to be reasonably efficient process determined on a summary basis into a long drawn-out affair that would deplete the estate to the detriment of all of the beneficiaries.

[17] I cite ss. 24(3) and (6) of the Patients Property Act:

- (3) After the death of the patient, the committee must provide the committee's accounts to
 - (a) the executor or administrator of the patient's estate, or
 - (b) if the committee and the executor or administrator of the patient's estate are the same person, the beneficiaries of the patient's estate.

...

- (6) The court may, on being satisfied that no further accounting by the committee is necessary, order at any time that the committee is discharged.

[18] Ms. Laferriere has provided the Court with no sworn evidence or otherwise that would prompt the court to make the extraordinary order of giving her standing in this matter.

[19] I turn to the accounts themselves. The accounts as mentioned run some 169 pages. They are provided in affidavit form.

[20] I have reviewed those accounts. There is nothing out of the ordinary in the individual line items that I have reviewed. As I noted in the course of the hearing, they are the kind of expenses that one would wholly anticipate for the daily care of an older gentleman suffering from health issues under disability. He lived on a rural property with Ms. Mead. There are expenses related to the upkeep of the property. None of those expenses appeared out of the ordinary for the maintenance and upkeep of a large acreage.

[21] Ms. Laferriere in passing has made broad objections to expenses, to items such as a tractor and farm equipment. I am satisfied that these would be the kind of expenses that would be required for the upkeep of a property that Mr. Popove no doubt benefitted from, living in this bucolic setting.

[22] There are all sorts of allegations levelled by Ms. Laferriere that Ms. Mead benefitted from the property. No doubt she did. She exhibited the distinct -- I will call it -- kindness of living on the property with Mr. Popove. While other siblings did not provide that day-to-day in-house care and attention to Mr. Popove, Ms. Mead stepped up to the plate. No doubt she enjoyed living on the rural property and had some benefit from it. It is trite to observe that many older people do not have the benefit of a family member living with them and monitoring their day-to-day care needs. I am satisfied that whatever benefit Ms. Mead received from living on the property, that is balanced by the distinctive advantage of having her living there and providing this daily attention to her brother, Mr. Popove.

- [23] I also note that there were proceedings before the Human Rights Tribunal brought by Ms. Mead against the PGT. Those were ultimately settled, allowing payment of a few discrete items. That would give the Court some reassurance that this was not some sort of sweetheart arrangement, or that the PGT was lax with respect to certain allowed expenses. Indeed, they were in an adversarial relationship, at least with respect to those proceedings.
- [24] Returning to the accounts, I certainly will not, and it would be very unusual to, go through those accounts orally in my reasons in any detail. Again, they seem altogether normal. There are utility bills. There are cable bills. There are, towards the end of the gentleman's life, various medical related bills, including a specific reference to nursing expenses that are objected to by Ms. Laferriere. I agree with the observation that those expenses were incurred after a period of a particular illness by Mr. Popove and, indeed, they were incurred just a few months before his death. Nothing strikes me as unusual with respect to those particular expenses. They are altogether consistent with the various other accounts of the PGT that I have had the occasion to review in my years on the bench.
- [25] We are now at four o'clock. Again, these sorts of applications are not supposed to lead to extensive proceedings or extensive reasons for judgment. What I would do in terms of my reasons: I have had occasion to review the notice of application of the PGT, as well as its application response with respect to the standing application. What I will do is adopt paragraphs 32 through 106 of the response with respect to the standing, and I would adopt paragraphs 1 through 25 with respect to the factual background, in addition to the factual background I have already provided. I would adopt paragraphs 26 through 48 of the legal basis in their entirety. These portions of the oral reasons are attached as Appendix A of these reasons.
- [26] I would highlight a few specific aspects of those materials. With respect to the validity of the accounts, in addition to the reassurances that I have earlier cited based upon my review of the 169 pages of accounts, as informed by submissions of counsel and answers to my questions, I note the particularly long period of time that the PGT served as committee, specifically between September 1, 1992, and then as of the last account, September 9, 2025. That is a remarkable period of 33 years. During that period the PGT's total fees and commissions charged were just over \$400,000. Divided by 33 years, that comes up to only roughly \$12,000 per year. Needless to say, hiring individual financial advisors and other advisors to provide the supervisory services that the PGT incurred in providing annually would have exceeded that amount.
- [27] Thus, viewed individually and holistically, it would appear that the accounts are fully within the range of reasonable amounts. Certainly, they are fully within the range of the standard of care required by the committee under the legislation.
- [28] Accordingly, I will dismiss the application for standing, and I will grant the orders the PGT is seeking: specifically under the notice of application, orders sought, one, two, three and four. I am going to confirm the primary orders sought rather than the alternative orders sought.

- [29] Anything arising from that? I am not necessarily inviting anything.
- [30] CNSL H. MATHISON: Yes. I -- yes, Justice. You have granted costs for the notice of application to pass the accounts. May I address costs for responding to Ms. Laferriere's application? My submission on this front is that the PGT ought to be paid its costs for the entirety of this matter of an incidental. It is -- it is a special costs order. It is full indemnity costs.
- [31] THE COURT: Yes.
- [32] CNSL H. MATHISON: And I leave it to the Court just to -- or to Ms. Cates to make submissions as to whether that ought to come from the estate generally, or whether it ought to come from Ms. Laferriere's portion of the estate.
- [33] THE COURT: Go ahead, Ms. Cates. And anything that can simplify matters would be most welcome and gratefully received.
- [34] CNSL C. CATES: Mr. Justice, with respect to Ms. Laferriere's application and costs in that regard, the estate's position is that those costs should come from Ms. Laferriere's share of the estate because of the unusual nature of the orders sought, and Mr. Justice, in that regard, the estate is also seeking costs for this application. Even though the estate took no position, there was some work that was required to be done by the estate to give a full picture of the -- of the estate's position with regards to Ms. Laferriere's concerns and what the estate did to address those concerns.
- [35] THE COURT: So special costs for the proceeding, as well as the responding to the standing application, payable from the estate.
- [36] CNSL C. CATES: Yes. Yes. So --
- [37] THE COURT: I'm sorry. Sorry. Payable from the estate or --
- [38] CNSL C. CATES: Payable --
- [39] THE COURT: -- payable from her share?
- [40] CNSL C. CATES: Payable from Ms. Laferriere's share of the estate.
- [41] THE COURT: All right. Yes?
- [42] CNSL C. CATES: Mr. Justice, the estate did not make a response to the standing application. So the estate is not seeking any costs for the purposes of the standing application. The estate did make a response to the PGT's application --
- [43] THE COURT: Yes.
- [44] CNSL C. CATES: -- and did work on the PGT's application.
- [45] THE COURT: I hear you.

- [46] CNSL C. CATES: Yes.
- [47] THE COURT: Okay, that is helpful, not asking for special costs for her application. Ms. Laferriere, do you have a submission on costs?
- [48] AUDREY LAFERRIERE: Well, there isn't that much money. They can take it all if they want.
- [49] THE COURT: All right. That is very helpful. Thank you.
- [50] AUDREY LAFERRIERE: Now, another thing, too. Like I said, this is a fiduciary thing and --
- [51] THE COURT: I am only asking for your submission on costs, ma'am.
- [52] AUDREY LAFERRIERE: All right. They can have all the money. There isn't any money to be left.
- [53] THE COURT: All right. Well, that -- that makes the ruling easier.
- [54] AUDREY LAFERRIERE: Well, you know, make sure you put that in your ruling, too.
- [55] THE COURT: All right.
- [56] AUDREY LAFERRIERE: They took advantage. They tricked me. They tricked everybody on this thing with their little trickery. Nobody said this has to be done now. I have to be -- oh, it's my fault.
- [57] THE COURT: All right. Thank you. All right.
- [58] AUDREY LAFERRIERE: And you know what?
- [59] THE COURT: Yes.
- [60] AUDREY LAFERRIERE: This is unfair and you shouldn't have done this. You talk about [Indiscernible/crying]. That [indiscernible/crying]. It's wrong under fiduciary law, it's wrong. You have to have invoices. It has to be truthful.
- [61] THE COURT: All right. It is appropriate and consistent with the jurisprudence that the Public Guardian and Trustee be granted special costs on a full indemnity basis for both the passing of the accounts, as well as Ms. Laferriere's application for standing.
- [62] I am also satisfied that Ms. Mead as the executor should receive special full indemnity costs --
- [63] AUDREY LAFERRIERE: And how can she possibly when --
- [64] THE COURT: -- with respect to the --

- [65] AUDREY LAFERRIERE: -- when she is conflicted. Jesus. Anybody can become an administrator. You can be a dog. All you need is somebody like Candace being your voice. You guys better hope that I die soon because I am going to make sure that this becomes a public issue. Fiduciary. How dare you do this. You are destroying what's mine [indiscernible/yelling]. We have [indiscernible].
- [66] THE SHERIFF: Justice, should she leave?
- [67] THE COURT: If she wants to leave, that would be appropriate.
- [68] AUDREY LAFERRIERE: We have laws that we have to follow and we don't need people like her and that other one. You take it all because I don't understand the [indiscernible/yelling].
- [69] THE SHERIFF: I'll carry your books for you. Come on.
- [70] AUDREY LAFERRIERE: I'm telling you this isn't going to end here.
- [71] THE COURT: All right. Special costs are appropriately taken from her share of --
- [72] AUDREY LAFERRIERE: Oh, yeah, that --
- [73] THE COURT: -- of the estate.
- [74] AUDREY LAFERRIERE: -- that'll make [indiscernible/not at microphone].
- [75] THE SHERIFF: Let's go. Let's go.
- [76] THE COURT: I am satisfied, as evidenced by her outbursts today, that this really is a continuation of the sort of reprehensible behaviour that Justice B. Smith condemned in his reasons in May.
- [77] I am also satisfied that despite Ms. Laferriere's protestations that she did not know what she had to do, she clearly has been receiving some background assistance in her preparation of materials in her affidavit and her notice of application. She understands how an adversarial system works from her earlier appearances in court. Her refusal to prepare any materials, any evidence, any identification of specific PGT line items that she objects to, so as to present them to court, so as to allow the judge to actually consider specific items, is a further ground for awarding special costs in this proceeding. Her dilatory behaviour in the course of, again, what should be a summary proceeding, her outbursts directed towards not only her sister but to counsel, and her wasting of time of counsel, parties and the court, make it appropriate that special costs be granted, and that those costs be extracted solely from her share of the estate.
- [78] All right. Those are my reasons. Thank you all.

"Crerar J."

APPENDIX A

I. FACTS

Committee of Estate Appointment

1. The PGT became Committee of Estate for Rockey Allan Popove effective September 23, 1991, through a court order made after application. Ms. Genevieve Gail Mead's appointment as committee of estate was rescinded by that same order, but Ms. Mead remained committee of the person for Mr. Popove.
2. Thereafter, the PGT managed the affairs of Mr. Popove and provided legal and financial services, including but not limited to, managing assets, managing income, paying expenses and paying debts.

After Death - November 2022 Onwards

3. On November 27, 2022, Rockey Allan Popove died (the "Deceased").
4. The Deceased left a Will dated April 26, 1985.
5. The Will appointed Sandra Marie Popove, the Deceased's wife as the executor. However, she predeceased the Deceased.
6. The PGT continued to manage the Estate after the Deceased's death pursuant to section 24 of the Patients Property Act.
7. Administration of the estate of the Deceased was granted to Genevieve Gail Mead ("Genevieve") and sealed on September 16, 2024 (the "Estate Grant").
8. On or about October 17, 2024, the PGT provided an advanced distribution of \$350,000 from the Deceased's funds held with the PGT to counsel for the Administrator.
9. On October 17, 2024, Audrey Laferriere applied to the court to revoke the Estate Grant. On February 7, 2025, Justice B. Smith heard and dismissed the application of Ms. Laferriere and ordered the Estate Grant to be returned to Ms. Mead.
10. On May 20, 2025, Justice B. Smith released reasons for judgment wherein he concluded that Ms. Laferriere had "engaged in reprehensible conduct deserving of sanction through an award of special costs."
11. Upon receipt of the estate grant in 2025, the PGT's committeeeship ended, and the estate assets were thereafter provided to Ms. Mead in her role as the estate administrator.
12. On February 26, 2025, Ally Hu, an Estate Liaison Officer at the PGT, wrote to Candace Cates, counsel for Ms. Mead as administrator and enclosed a cheque for \$548,900 being an interim release of funds from the funds held in trust for the Deceased.

13. The letter indicated the PGT held back \$5,000 in their trust account in case a formal court passing of accounts was required plus an additional amount for anticipated expenses as the estate was transitioned to the administrator (the "Holdback"). The PGT noted that upon receipt of the signed Consent, the Holdback would be released to the administrator.
14. The PGT enclosed a release to be signed by the Administrator. To date, the Administrator has not returned a signed release to the PGT.
15. The PGT continues to hold the Holdback, plus accrued interest and less its asset management fee, in its trust account. As of September 22, 2025, the PGT's account for the Deceased was in overdraft in the sum of -\$2,890.67. That overdraft is because of ongoing payments the PGT made until June 2025, the PGT's statutory fees and commissions, and legal fees related to the passing of accounts, this application, and other ongoing work.
16. As of November 3, 2025, the PGT's trust account is in overdraft in the sum of -\$1,415.38. The PGT received a \$1,474.44 credit from BC Hydro in the interim.

PGT's Work during Deceased's Lifetime

17. During its time as Committee of Estate for the Deceased, the PGT received or controlled income, assets, and real property as follows:
 - a. Income as set out in the accounts (for example, ManuLife Financial Annuity, CPP, OAS, and interest),
 - b. Assets as set out in the accounts (for example, Manufacturers Life Insurance proceeds (May 12, 1993), proceeds from the Estate of Tina Ann Popove (August 8, 2001), funds from Cherkowski Marsden LLP representing an interim and then final distribution of the estate of Helen Elaine Skrove (July 12, 2021 and May 6, 2022), refunds issued, CIBC Wood Gundy investments, CIBC TFSA, and funds placed by the PGT into investments (e.g. RBC),
 - c. There is an entry on September 27, 2001 for "Vancouver Coin & Stamp Ltd. Coin Appraisal" for \$1.00, which appears to be a quick appraisal for a 25¢ Canadian note valued at \$2.10,
 - d. Real property located at 5708 Campbell Creek Road, Kamloops, PID: 006-474-217 [the "Kamloops Property"], and the furnishings and personal property therein, and
 - e. Vehicles over the years - Ford Explorer, Dodge Grand Caravan, and Jeep Compass. As at his death, he owned a 2020 Dodge Caravan.
18. In or about 2021-2022, the PGT engaged in an Investment Review Project. As part of that, the PGT identified that there was delay in sending funds to a TFSA for this matter.

Accordingly, on May 24, 2022 the PGT paid compensation of \$899.18 to the credit of the Deceased's trust account for that delay.

19. Through the P38 and P40 Affidavits #1 and #2 of Ally Hu made and filed by the PGT in this committee action, the PGT lays out its work as committee of estate during the Deceased's lifetime and their work after his death until the Estate Grant was received in 2025. The Statement of Account exhibit sets out in detail the income and capital transactions.
20. The P40 Affidavit #2 also sets out the work the PGT continued to do after the Deceased's death to benefit the estate of the Deceased.
21. The PGT's work from 1991 to 2025 included managing money (income and deposit accounts), purchasing, disposing of, and managing investments, property, and chattels, paying debts, addressing repairs, maintenance, and renovations to real property, filing personal and estate tax returns and making any elections or declarations needed, paying taxes, expenses, and debts, obtaining appraisals as necessary, and so on.
22. Ally Hu made Affidavit #3 on October 30, 2025, in response to various questions and inquiries posed by the estate administrator and her counsel. We understand those questions and inquiries came from Audrey Laferriere, who is a beneficiary of the Deceased's estate.
23. The PGT administered the estate to the best of its ability.
24. Ally Hu made Affidavit #4 on October 30, 2025, to correct a single line item that was missed in 2025 with respect to the accounting.
25. Accordingly, the PGT has filed with the registrar a full and correct accounting of the period that the PGT acted as the Committee, showing all property, money and effects and the proceeds from them that have come into the PGT's control as Committee, and a full and correct statement of all disbursements, with a full and correct statement of the assets not yet disposed of.

II. LAW: PASSING OF ACCOUNTS

26. The PGT has not been awarded any compensation for their services as Committee by this or any other court. The PGT has charged the estate for its services as committee of estate pursuant to the governing legislation, including the Public Guardian and Trustee Fees Regulation, B.C. Reg. 312/2000.
27. To the PGT's knowledge, the person interested in the administration of the Deceased is the Administrator Genevieve Gail Mead, and they are of the full age of 19 years.
28. During their role as Committee, the PGT ensured that all valid creditors were paid. The PGT cannot comment on any creditors or debts to the Estate since the issuance of the estate grant.

29. The only portion of the Deceased's assets that have not been provided to the estate representative is the balance in the PGT's trust account that was held back - which balance is now negative due to ongoing legal fees relating to the passing of the PGT's accounts and responding to this application.
30. The estate administrator, in her capacity as estate representative and on behalf of all beneficiaries including Ms. Laferriere, raises the following questions or issues:
 - a. ISSUE 1: Caregiver Agreements - Were there any "caregiver" agreements between the PGT and Genevieve Mead?
 - b. ISSUE 2: Tractor Purchase - Why was it necessary for a "tractor" to be purchased while the PGT was committee of estate?
 - c. ISSUE 3: Ms. Mead's "Enrichment" - What "portion" of the Estate assets did Ms. Mead, and her family, use for their own "enrichment"? There is a request for the PGT to provide "a list of assets" that Ms. Mead and her family used when Ms. Mead was the committee of the person for Rockey Popove, for the [over 30 years] that the PGT acted as committee [of estate], and produce a statement "to show the proportional use of assets" used by Ms. Mead and her family for their own benefit.
 - d. ISSUE 4: A Breakdown of the \$2,000 per month paid to Ms. Mead - Provide a breakdown on how the \$2,000 a month that was paid to Ms. Mead, on account of Rockey Popove's day-to-day expenses, was spent.
 - e. ISSUE 5: Accounting Required from Ms. Mead - What kind of accounting did the PGT require from Ms. Mead?
 - f. ISSUE 6: Manufactured Home - Evidence that the mobile home was not an asset of the Estate
 - g. ISSUE 7: Dodge Caravan Purchase - Why was the 2020 Dodge Caravan van (wheelchair accessible) purchased for Rockey? Could Rockey walk at that time?
 - h. ISSUE 8: Ms. Mead Residing in the Property after Mr. Popove's Death - Whether Ms. Mead should be required to pay occupation rent for living in the Kamloops Property after the Deceased's death.
31. The PGT has provided answers to all these issues and inquiries in Affidavit #4 of Ally Hu filed October 30, 2025 in Action No. 8654, Kamloops registry, and as set out below.
32. The PGT relies on:
 - i. The Patients Property Act, RSBC 1996, c. 349 (the "PPA"), and in particular sections 15 [Powers of committee], 17 [Rights, powers and privileges included], 18 [Exercise of powers], 21 [Effect of things done by committee], 23(1) [Cost of maintenance, care and treatment], 24 [Death of a Patient], 27 [Costs], and 28 [Orders by court].
 - j. Public Guardian and Trustee Act, RSBC 1996, c. 383 generally.

- k. Public Guardian and Trustee Fees Regulation, BC Reg 312/2000 generally.
- l. Patients Property Act Rules, BC Reg 311/76 generally.
- m. The Supreme Court Civil Rules, BC Reg 168/2009 (the "Rules"), and in particular Part 8 [Applications] generally, Rule 18-1 [Inquiries, Assessments, and Accounts] Part 25 [Estates] generally, Rule 25-13 [Remuneration and Passing of Accounts], and Rule 25-14 [Applications]

III. STANDING

Standing to Review Accounts - Legislation & Analysis

33. Sections 24(3) to (6) of the PPA state:

Death of patient

- (3) After the death of the patient, the committee must provide the committee's accounts to
 - (a) the executor or administrator of the patient's estate, or
 - (b) if the committee and the executor or administrator of the patient's estate are the same person, the beneficiaries of the patient's estate.
 - (4) The executor, administrator or beneficiaries of the patient's estate may provide to the committee written approval of, and consent to, the accounts received under subsection (3).
 - (5) If a committee fails to provide its accounts as required under subsection (3), or if the accounts are incomplete or inaccurate, a person entitled to the accounts may require the committee to attend before the court to explain the committee's failure to provide the accounts or to provide a satisfactory accounting, and the court may give the direction it considers proper.
 - (6) The court may, on being satisfied that no further accounting by the committee is necessary, order at any time that the committee is discharged.
34. In this case, the committee and the executor/administrator are different people. Therefore, under section 24(3), the PGT as committee of estate must provide its accounts to the executor or administrator only - here Ms. Mead.
35. Ms. Mead as administrator takes no position with respect to the PGT's application to summarily pass accounts and be discharged.
36. Ms. Laferriere raises that Ms. Mead has a conflict of interest with respect to the PGT's accounts. if there is a conflict, it is only with respect to the payments to Ms. Mead and the rent issue during the Deceased's lifetime. All other issues may be addressed by Ms. Mead.
37. Ms. Laferriere raises that unless the court grants her standing, there will be no independent review of the PGT's management of the estate during the Deceased's lifetime or after his death.

38. The PGT points out that because Ms. Mead has not provided written approval or consent to the PGT's accounts, the PGT has brought on an application to pass its accounts and be discharged by the court.
39. The court has the review and oversight function here.
40. As set out in the application to pass accounts, the court may summarily consider matters or it could refer the matter to the registrar if further explanation is needed.
41. Most importantly, the PGT wishes to point out that Ms. Laferriere has already attempted to have the grant of administration to Ms. Mead revoked. She is now, through her standing application, attempting to again take on the role and powers of the administrator. Ms. Laferriere should not be permitted to obtain through the back door, what she could not obtain through the front door.
32. Sections 24(3) to (6) of the PPA state:

Death of patient

- (3) After the death of the patient, the committee must provide the committee's accounts to
 - (a) the executor or administrator of the patient's estate, or
 - (b) if the committee and the executor or administrator of the patient's estate are the same person, the beneficiaries of the patient's estate.
- (4) The executor, administrator or beneficiaries of the patient's estate may provide to the committee written approval of, and consent to, the accounts received under subsection (3).
- (5) If a committee fails to provide its accounts as required under subsection (3), or if the accounts are incomplete or inaccurate, a person entitled to the accounts may require the committee to attend before the court to explain the committee's failure to provide the accounts or to provide a satisfactory accounting, and the court may give the direction it considers proper.
- (6) The court may, on being satisfied that no further accounting by the committee is necessary, order at any time that the committee is discharged.
33. In this case, the committee and the executor/administrator are different people. Therefore, under section 24(3), the PGT as committee of estate must provide its accounts to the executor or administrator only - here Ms. Mead.
34. Ms. Mead as administrator takes no position with respect to the PGT's application to summarily pass accounts and be discharged.
35. Ms. Laferriere raises that Ms. Mead has a conflict of interest with respect to the PGT's accounts. if there is a conflict, it is only with respect to the payments to Ms. Mead and the rent issue during the Deceased's lifetime. All other issues may be addressed by Ms. Mead.

36. Ms. Laferriere raises that unless the court grants her standing, there will be no independent review of the PGT's management of the estate during the Deceased's lifetime or after his death.
37. The PGT points out that because Ms. Mead has not provided written approval or consent to the PGT's accounts, the PGT has brought on an application to pass its accounts and be discharged by the court.
38. The court has the review and oversight function here.
39. As set out in the application to pass accounts, the court may summarily consider matters or it could refer the matter to the registrar if further explanation is needed.
40. Ms. Laferriere has already attempted to have the grant of administration to Ms. Mead revoked. She is now, through her standing application, attempting to again take on the role and powers of the administrator. Ms. Laferriere should not be permitted to obtain through the back door, what she could not obtain through the front door.

IV. PASSING OF ACCOUNTS

Committee's Role and their Duty & Standard of Care - the Law

42. Section 15 of the PPA provides that a committee has all the rights, powers, and privileges respecting the patient's estate that the patient would have if they were of full age and of sound and disposing mind. Section 17 provides that such rights, powers, and privileges include those that would be exercisable by the patient as a trustee or personal representative if they were of full age and of sound and disposing mind. Section 21 of the PPA confirms that everything done by a committee in the exercise of their powers has the same effect as if done by the patient if they were of full age and of sound and disposing mind.
43. Section 18(1) of the PPA requires that the PGT as committee "exercise the committee's powers for the benefit of the patient and the patient's family, having regard to the nature and value of the property of the patient and the circumstances and needs of the patient and the patient's family."
44. Section 18(2) of the PPA mandates the committee to "foster the independence of the patient and encourage the patient's involvement in any decision making that affects the patient."
45. A committee is a fiduciary and a trustee in the broad sense, but they are not a statutory agent and not a trustee in the strict sense (property does not vest in a committee and the Trustee Act does not apply to them, for example) (see *Re Pearce*, 1984 CanLII 666 at paras. 6-8; and see *Uhlving Estate v. The Public Guardian and Trustee of British Columbia*, 2024 BCCA 397 at para. 53 [*Uhlving Estate*]).
46. Section 23 of the PPA provides that a patient is liable for the cost of their maintenance, care, and treatment and the committee is to pay those charges from the patient's estate.

47. The PPA is aimed at the protection of vulnerable persons. It grants discretionary control over a patient's interests to a fiduciary (a patient's committee) who effectively owes a trustee's duty of care to the patient (Uhlving Estate at para. 53). A committee owes to the patient a trustee's general duties of honesty, good faith, and loyalty (Uhlving Estate at para. 54).
48. While s. 18(1) of the PPA does refer to a committee's obligation to exercise its powers for the benefit of a patient and their family, this duty is strictly correlative to the patient. No fiduciary duty, in the legal sense, is owed to the family. Acting in a patient's best interests may include acting for the benefit of the patient's family. But the fiduciary relationship exists between the committee and the patient only (Uhlving Estate at para. 53).

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48. The standard of care expected of a committee is "a person of ordinary prudence", a "reasonably prudent committee" or a "reasonable and prudent person of business" (Uhlving Estate at paras. 41 and 56, O'Hagan v. O'Hagan, 2000 BCCA 79 at paras. 24, 26 [O'Hagan]).
49. Section 18 does not require a committee to demonstrate that a transaction is "necessary" only that it would be of benefit to the patient and their family (Uhlving Estate at para. 55).
50. However, committees should be very reluctant to materially diminish a patient's estate because the patient's own interests, present and future, must be given paramount importance. The committee must consider the future possibility that the patient's condition will change for the better (recovery) or for the worse requiring greater funds for personal care (Uhlving Estate at paras. 55-56 considering O'Hagan where the court was considering the unique circumstance of a proposed "estate freeze" involving a share reorganization, where the shares were a major and valuable asset of the incapable adult and the reorganization would primarily benefit his beneficiaries).
51. When questioning a transaction made by the committee, the question is whether a reasonable and prudent businessperson would think that the transaction or transfer in question would be beneficial to the patient and his family, given the circumstances that are known at the time and the possibilities that might arise in future? In making such a decision, the patient's own interests, present and future, must be given paramount importance (O'Hagan at paras. 24-25).

PGT's Actions During the Deceased's Lifetime - Analysis

52. The PGT became the committee of estate for the Deceased in September 1991 and managed his affairs until his death in November 2022.
53. When acting as committee of estate, there are a range of decisions the PGT could make for an incapable adult. The PGT must make those decisions in the best interests of the incapable adult and their family. The PGT must also comply with the statutory mandate to foster the incapable adult's independence as much as possible.
54. The PGT agrees that it owed the Deceased a duty of care. The PGT met the standard of care of reasonable or ordinary prudence by arranging for appropriate living circumstances for the Deceased that fostered his independence. The Deceased lived in his own home and was cared for by a family member. This was a reasonable decision to make that was in the Deceased's best interest.

55. in deploying the Deceased's funds during his lifetime, they are not obligated to choose the most inexpensive or economic option, particularly where income or assets permit the purchase of something higher end or that better meet the adult's needs. The PGT's role is not to preserve a person's assets for the benefit of their beneficiaries.
56. The PGT managed the Deceased's money and property well to ensure that he had sufficient funds to pay for his increasing personal care needs as he aged, and his condition changed - which, in this case included the purchase of such a van.
57. Between September 1, 1992 and September 9, 2025 (33 years), the PGT's total fees and commissions charged were \$401,458.82 plus \$24,379.83 in GST. These commissions are charged pursuant to legislation. But to put this matter in further perspective, that averages \$12,165.42 plus GST in fees and commission per year: abundantly reasonable.
58. Adding up all receipts into and out of the PGT's account over the 33-year committee ship totals about \$5.745 million in transactions. In 2022, the Deceased received over \$21,000 per month in income from his structured annuity.
59. On November 27, 2022, the Deceased died with \$166,001.49 in his PGT operating account alone. Thereafter, the PGT received into the account \$106,706.06 from CIBC Wood Gundy (line 6555 January 31, 2023) and \$742,247.61 from RBC (line 6566, February 16, 2023) making the balance in the PGT's operating account over \$1 million. This is in addition to his ownership of the Kamloops Property, which was mortgage free since 1996 (see line 691 re final payment and line 742 regarding a fee for completing the mortgage discharge).
60. The PGT paid probate fees of \$33,212 on August 21, 2024 (line 6715), an interim distribution of \$350,000 on October 17, 2024 (line 6731) to counsel for the administrator, and a further distribution of \$548,900 on March 4, 2025 (line 6756) to counsel for the administrator.
61. The Deceased died possessed of significant funds and property and .because the PGT prudently managed the Deceased's estate throughout the 33-year committee ship. Moreover, the PGT's prudent management and stewardship of the Deceased's estate also benefitted his family and beneficiaries.
62. With respect to the specific issues raised, the PGT answers as follows.

ISSUE 1: Caregiver Agreements - Were there any "caregiver" agreements between the PGT and Genevieve Mead?

63. The PGT was unable to locate any caregiver agreements.

ISSUE 2: Tractor Purchase - Why was it necessary for a "tractor" to be purchased while the PGT was committee of estate?

64. Tractors were purchased in April 1997 (line 828), April 2008 (line 2892), and June 2016 (line 4669). In February 1998 snow attachments, chain set, snow blade and a weight belt were purchased (line 967).

65. These "tractors" are the kind that are ride-on lawnmowers or can have attachments for snow removal. The Kamloops Property was about 20-acres and insured as farmland.
66. The PGT purchased these tractors to ensure the maintenance and repair of property for the living and enjoyment of the Deceased.

ISSUE 3: Ms. Mead's "Enrichment" - What "portion" of the Estate assets did Ms. Mead, and her family, use for their own "enrichment"? There is a request for the PGT to provide "a list of assets" that Ms. Mead and her family used when Ms. Mead was the committee of the person for Rocky Popove, for the [over 30 years] that the PGT acted as committee [of estate], and produce a statement "to show the proportional use of assets" used by Ms. Mead and her family for their own benefit.

67. The PGT does not have a way to produce such a statement or list. The PGT has provided the extensive account statement setting out all transactions for the Deceased's estate.
68. Ms. Mead did receive in-kind payment for her services (caregiving, domestic, and property maintenance) to the Deceased, which included not charging rent for Ms. Mead and her family to live at the Kamloops Property. Accordingly, Ms. Mead and her family had the benefit and use of the Kamloops Property, but this was in exchange for value.
69. The PGT denies that it ever, at any point, permitted Ms. Mead to use the Deceased's estate or the PGT as an ATM without proper scrutiny. From the September 1991 Order onwards, the PGT controlled the Deceased's legal and financial matters and deployed his money for his care, benefit, and expenses.

ISSUE 4: A Breakdown of the \$2,000 per month paid to Ms. Mead - Provide a breakdown on how the \$2,000 a month that was paid to Ms. Mead, on account of Rocky Popove's day-to-day expenses, was spent.

70. The \$1,500 per month was to Ms. Mead for her services (domestic, caregiver, and property maintenance) along with the in-kind "payment" of living rent free at the Kamloops Property.
71. This was a negotiated resolution in response to Ms. Mead's complaint to the British Columbia Human Rights Tribunal. The PGT determined that the Deceased's living circumstances with Ms. Mead were in his best interests and met the objective of fostering his independence.
72. The additional \$200 per week was for comforts, entertainment, and other extras for the Deceased. The PGT does not require receipts for these weekly amounts and determined that this was a reasonable amount to spend for the Deceased given his financial circumstances.

ISSUE 5: Accounting Required from Ms. Mead - What kind of accounting did the PGT require from Ms. Mead?

73. The PGT was the committee of estate from 1991 onwards and therefore had control over the Deceased's funds. Accordingly, the PGT did not require Ms. Mead to account financially from the date the PGT became committee of estate onwards as she had no control over the funds. The PGT did not require Ms. Mead to account for how she spent the \$200 per week on comforts, entertainment, and other extras.

ISSUE 6: Manufactured Home - Evidence that the mobile home was not an asset of the Estate

74. We are advised by the estate administrator's counsel Ms. Candace Cates that:
- the manufactured home that was located on the Kamloops Property originally belonged to Rockey Popove's mother (mother of Ms. Laferriere, Ms. Mead and Mr. Ronald Popove). At some point, perhaps after the Deceased's accident, the mother moved it onto the property and began to reside full-time in the manufactured home, assisting for the care of the Deceased.
 - Ms. Popove passed away in or around 1995, at which time the executor of her will, Ronald Popove (son of the Deceased) sold the home to Ms. Mead's daughter, Tina- Marie Alexandria Watt.
 - Ms. Cates has a Manufactured Home Registry search showing the latter as registered owner since 1994.
75. A review of the PGT's file confirms the manufactured home is not listed as an asset in the PGT's accounts for the Deceased. In 1991, the PGT would have brought all assets of the Deceased under the PGT's control. If at any time thereafter the PGT had become aware that the Deceased had an ownership interest in the Manufactured Home, the PGT would have taken steps with respect to that asset.

ISSUE 7: Dodge Caravan Purchase - Why was the 2020 Dodge Caravan van (wheelchair accessible) purchased for Rockey? Could Rockey walk at that time?

76. In July to August 2022, a 2020 Savaria Dodge Grand Caravan Premium Plus was purchased for \$86,876.86 (see lines 6399 and 6428 - July 22, 2022 and August 26, 2022). This is a rear entry conversion van, in other words, wheelchair accessible.
77. It was the PGT's understanding that the Deceased had limited mobility and was either unable to walk or had great difficulty walking. The PGT determined this was clearly a transaction that would be of benefit to the Deceased given his advancing age and limited mobility.
78. Ms. Mead confirms that at the time the van was purchased, Rockey Popove was not able to walk, as his physical condition had significantly deteriorated after being hospitalized.
79. The Deceased had the funds available to purchase this vehicle, such that this purchase would not jeopardize the availability of funds for other needs, treatments, supports, or the like for the Deceased.

ISSUE 8: Ms. Mead Residing in the Property after Mr. Popove's Death - Whether Ms. Mead should be required to pay occupation rent for living in the Kamloops Property after the Deceased's death.

80. The PGT takes no position on this issue and leaves it to be determined by Ms. Mead as estate administrator and the beneficiaries.

Committee's Role After Patient's Death - the Law

81. Section 24(1) of the PPA provides that between the date of death of a patient and when a representation grant is issued for the patient's estate and served on the committee, the committee of the patient continues to have the rights, powers, duties and privileges that the committee would have had if the patient had not died and has the powers of a person who has been issued a representation grant.
82. In *Re: Langford and the Patients Property Act*, 2000 BCSC 721 [*Re Langford*], the court considered section 24 of the PPA, as it then read, and its interaction with the former Estate Administration Act. While the legislation language is somewhat different, the principal continues to apply today. Namely, that:
- [12] Section 24 provides that the committee of a deceased patient is to have the powers described in subsections (a) and (b) "until" [a representation grant] the words used in the section impose a temporal limit on the powers, not one that is conditional on the happening of a subsequent event. As the legislation contemplates that [a representation grant] will be taken out after a patient's death, the legislature could not have intended that a committee should have all of the powers of an executor or administrator to wind up and distribute the estate of a deceased patient.
- [13] This interpretation is harmonious with the object and the scheme of the Act, which is intended to provide for the personal care and the management of the affairs of living persons who are incapable by reason of mental infirmity of managing their own affairs. The Act does so by authorizing the appointment by the court of surrogates, known as committees, to carry out these functions
- [17] When a person whose estate is being administered by a committee dies, there will inevitably be a hiatus before a personal representative can be appointed. In my opinion, s.24 of the Act was intended to fill that hiatus by authorizing the committee to continue to administer the estate in the interests of the patient's family until that time.
83. These portions of *Re Langford* were cited with approval in the context of the current PPA and Wills, Estates and Succession Act, SBC 2009, c. 13 [WESA] in *Harland v Harland Estate*, 2015 BCSC 2666 at para. 12.

PGT's Actions After the Deceased's Death until the Grant - Analysis

84. The accounting materials make it clear that between November 27, 2022 and February 2025, the PGT continued to manage the Deceased's estate and even continued to make payments on behalf of the estate until June 13, 2025 (e.g. to BC Hydro or Fortis).
85. Ms. Laferriere complains that the administrator, Ms. Genevieve Mead, should pay occupation rent from the date of death until she moved out of the Kamloops Property and the PGT ought to have charged her rent.
86. The PGT admits that it did not charge Ms. Mead rent after November 27, 2022 as evidenced by the accounting.
87. The PGT's role, after the death of an incapable adult over which it is committee of estate, is not to have and exercise all the powers of an executor or administrator but rather to fill a gap until an executor/administrator is appointed. it was reasonable to assume that that person would address the occupation rent issue in this case and that it ought to be properly addressed by such person.
88. Ms. Mead was appointed the administrator and therefore any issue as to occupation rent may be addressed directly with Ms. Mead when she seeks to pass her accounts for acting as the administrator of the Deceased's estate.
89. Ms. Mead agrees this is an issue to be addressed when passing her accounts. The PGT takes no position on this issue.

Format of Accounts

90. The Patients Property Act Rules, BC Reg 311/76 provides for the verification, format, and content of accounts at Rule 5 - Accounts as follows:

Verified by affidavit

Accounts of committees presented to the Public Trustee or to a registrar shall be verified by affidavit, and the committee shall be prepared to vouch the accounts.

Forms and content

Accounts shall be simple and shall be made up of statements dealing with the original inventory and subsequently discovered assets, capital receipts and disbursements, revenue receipts and disbursements, and assets held at the end of the period, with original assets distinguished from investments made by the committee. The items in the statements shall be numbered consecutively and dated.

91. The Patients Property Act Rules does not provide a form for the presentation of accounts. The PGT in this case has used the forms from the Supreme Court Civil Rules.

92. The accounts meet the requirement for form and content and are verified by affidavit in accordance with the Patients Property Act Rules.

Further Answer to Ms. Laferriere's Allegations in her Application

93. Prior to the PGT's appointment, Ms. Mead was the Deceased's committee of estate. It is not clear whether Ms. Laferriere is suggesting she wishes to audit Ms. Mead's committee accounts from the 1980s and early 1990s. The PGT would have had oversight of Ms. Mead at that time. The 1991 Order required Ms. Mead to pass her accounts before the PGT on or before November 23, 1991.
94. any issues stemming from Ms. Mead's actions as committee of estate for the Deceased in the 1980s and early 1990s would have been addressed back in the 1980s and 1990s and Ms. Laferriere has no right of review anyway. Further, the effluxion of time, prejudice to Ms. Mead and the PGT, and basic principles of fairness militate against re-opening such issues.
95. The PGT denies that it ever, at any point, permitted Ms. Mead to use the Deceased's estate or the PGT as an ATM without proper scrutiny. From the September 1991 Order onwards, the PGT controlled the Deceased's legal and financial matters and deployed his money for his care, benefit, and expenses.
96. The PGT admits that on July 28, 2025 the Manager - Estate Liaison Eileen Turner emailed Ms. Laferriere and stated:

Please note that our duty to account is owed solely to the Estate Representative - who is Ms. Mead. You are mistaken that we have a legal obligation to consult with you. We have retained counsel to pass the PGT accounts. If you have any questions or concerns, you should contact estate counsel Ms. Candace Cates or the Administrator Ms. Mead. We will not be responding further.

97. The PGT sent this email because the duty to account is to the administrator under the PPA and the PGT was aware that counsel for the administrator had provided the PGT's draft accounting materials to Ms. Laferriere. Counsel for the administrator forwarded the PGT's application to pass accounts to the beneficiaries as well and invited questions.
98. The case of *Conroy v. Stokes*, [1952] 4 DLR 124, 1952 CanLII 227 (BCCA) is not applicable as it is about when a trustee of a deceased's estate may be removed and replaced. To the extent a committee is a trustee and has a duty to the person or the estate, the law is as set out above.
99. Section 27 of the PPA is about costs and does not require the PGT to account for all property management as suggested by Ms. Laferriere.
100. The Wills, Estates and Succession Act, SBC 2009, c. 13 [WESA] is not applicable to a committee matter. The PPA and the PGT's governing legislation applies here. Section 103 of WESA is about administration pending legal proceedings and is not applicable here.

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101. Rules 25-14 [Applications] and 25-15 [Miscellaneous] are with respect to probate or administration of a deceased's estate. While the Rules and law around the passing of accounts may assist the court generally, (see Rule 25-13 Remuneration and Passing of Accounts for example), these sections are not determinative of the issues in this application.
 102. Ms. Laferriere relies on *Pintea v. Johns* and *Baker v. Canada* for "procedural fairness". It is not clear if she is relying on the SCC decisions or any lower court decision(s).
 103. *Pintea v. Johns*, 2017 SCC 23 (CanLII), [2017] 1 SCR 470 confirms that the common law of civil contempt requires proof beyond a reasonable doubt that the person purported to be in contempt of a court order had actual knowledge of that order. The contempt finding was not permitted to stand and the costs award vacated. This case is not applicable here.
 104. *Baker v. Canada* (Minister of Citizenship and Immigration), 1999 CanLII 699 (SCC), [1999] 2 SCR 817 is with respect to procedural fairness in the context of an administrative matter.
 105. The PGT agrees that there ought to be procedural fairness in the passing of its accounts. There is procedural fairness as the PGT is using the statutory process to pass its accounts, the PGT has clearly laid out its accounts, there is judicial oversight over those accounts, and questions from the beneficiaries may be posed through the administrator, who is the proper person to address issues with the accounts.
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