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THE 2020 ANNUAL  
**Church & Charity Law™ Webinar**  
*Goes Virtual*  
Thursday, November 5<sup>th</sup>, 2020

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**WELCOME**

Welcome to the 2020 Annual Church & Charity Law™ Webinar, designed to assist churches and charities in understanding developing trends in the law in order to reduce exposure to legal liability, with a focus this year on legal issues that churches and charities can face when operating virtually. Although the topics presented are directed to churches and charities, many aspects of the presentations will also be of interest to not-for-profits as well. For legal and accounting professionals, this Webinar is eligible for **4.5 substantive hours** Law Society of Ontario Continuing Professional Development credits and Chartered Professional Accountants Professional Development requirements.

The Annual *Church & Charity Law Seminar*™ has been held every year since 1994. This year it is being presented as a Webinar for the first time due to COVID-19. The Webinar is presented by **Carters Professional Corporation (Carters)**, a law firm with offices in Toronto, Ottawa and Orangeville, and experienced in advising churches, charities and not-for-profits across Canada, both domestically as well as internationally.

**ACKNOWLEDGEMENTS AND THANKS**

We gratefully acknowledge and thank The Honourable Ratna Omidvar, C.M., O.Ont., Senator for Ontario and Tony Manconi, Director General of the Charities Directorate of the CRA for their contributions as our guest speakers at this year's webinar, as well as the lawyers at Carters who have volunteered their time in preparing for this Webinar.

**FORMAT OF THE WEBINAR**

Presentations will be 20 minutes in length, including approximately 5 minutes for Q&A. The special presentations by our guest speakers, Senator Omidvar and Tony Manconi will be 40 minutes in length including approximately 10 minutes for Q&A. Questions can be entered in the Question Box feature of the webinar. Unfortunately, not all questions can be answered due to time constraints.

**CARTERS RESOURCE MATERIALS**

Today's electronic handout package, including the PowerPoint presentations and various resource materials, are available online during the webinar and can be downloaded for your use. These materials, along with numerous other articles, Webinar materials, and newsletters of interest to churches and charities, including back issues of *Charity Law Bulletins*, *Church Law Bulletins*, and *Charity & NFP Law Updates* are available free of charge at our websites at [www.charitylaw.ca](http://www.charitylaw.ca), [www.churchlaw.ca](http://www.churchlaw.ca), [www.carters.ca](http://www.carters.ca), and [www.antiterrorismlaw.ca](http://www.antiterrorismlaw.ca). As well, a link is being provided to the current recently updated version of the Legal Risk Management Checklist for Ontario-Based Charities that includes a new section on COVID-19.

**CHARITY & NFP LAW UPDATE**

To receive the monthly *Charity & NFP Law Update*, e-mail us at [info@carters.ca](mailto:info@carters.ca) with "mailing list" in the subject line. Alternatively, please click on the link on the webinar resources tab to add your name and e-mail address to our [Mailing List](#) indicating your consent to receive firm newsletters and information about future seminars. You may access the October 2020 edition of the [Charity & NFP Law Update](#) through our website.

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**AGENDA**

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8:50	Online Login	
9:00 a.m.	Opening Remarks	
9:10 a.m.	Essential Charity & NFP Law Update	Esther S.J. Oh
9:30 a.m.	Board Due Diligence and Crisis Management During a Pandemic	Ryan M. Prendergast
9:50 a.m.	Preparing Churches and Charities for the ONCA	Jacqueline M. Demczur
10:10 am	Employees Working Remotely: Shifting to the New Normal	Barry W. Kwasniewski
10:30 a.m.	The Case for Charities: Empowerment in the 21 <sup>st</sup> Century	The Honourable Ratna Omidvar, C.M., O.Ont., Senator for Ontario
11:10 p.m.	Break (15 minutes)	
11:25 a.m.	Real Issues for Virtual Corporate Meetings	Theresa L.M. Man
11:45 a.m.	Mitigating Privacy and Security Risks in a Virtual World	Esther Shainblum
12:05 p.m.	Copyright Issues in a Virtual Reality: Tips and Traps	Sepal Bonni
12:25 p.m.	Legal Issues in Fundraising in a Virtual World	Terrance S. Carter
12:45 p.m.	Regulating Charities During a Pandemic and the New Virtual Reality	Tony Manconi
1:25 p.m.	Concluding Remarks and Draw Prizes	
1:30 p.m.	Program Ends	

Please see **Speaker Biographies** in the electronic handout package, and take a moment to complete the **Evaluation Form** available in the webinar platform resources to help us make the next Annual *Church & Charity Law™* Webinar/Seminar even better.

***The webinar will be recorded and a link to the recording will be sent next week to those attendees who have registered.***

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## WEBINAR SPONSORS

Carters would like to thank the following companies for their sponsorship of the Annual *Church & Charity Law*<sup>™</sup> Webinar that helps to underwrite costs associated with the Webinar, including contracting EventStream Production who are helping to ensure that the Webinar runs smoothly and professionally.

- **GMS Chartered Professional Accountants Professional Corporation**, 905-919-3543, [www.gmscpa.ca](http://www.gmscpa.ca)
- **Hogg, Shain & Scheck Professional Corporation**, 416-499-3100, <https://www.hss-ca.com>
- **Robertson Hall Insurance**, 1-800-640-0933, [www.robertsonhall.com](http://www.robertsonhall.com)
- **Thomson Reuters**, 1-800-387-5164, <http://store.thomsonreuters.ca>
- **Guardian Capital Advisors**, 1-800-253-9181, <https://www.guardiancapital.com/private-wealth-management/endowment-services>
- **LexisNexis Canada Inc.**, 1-800-668-6481, <https://store.lexisnexis.ca>

## SECTOR RESOURCE MATERIALS

We are pleased to make resource materials from the following organizations available on the webinar platform.

- **Canada Revenue Agency, Charities Directorate**
- **Canada Revenue Agency, GST/HST Outreach Program**
- **Canadian Centre for Christian Charities**, <https://www.cccc.org>
- **ONN (Ontario Nonprofit Network)**, <https://theonncan.ca>, <https://nonprofitresources.ca/Canadian>
- **Association of Gift Planners (CAGP)**, <https://www.cagp-acpdp.org/>
- **Association of Fundraising Professionals (AFP)**, Toronto Chapter, <https://afptoronto.org/>

## ABOUT CARTERS

**Carters Professional Corporation** is a law firm with expertise in the area of church, charity and other not-for-profits and is committed to assisting clients in avoiding legal problems before they occur through effective legal risk management advice, including assistance with:

- Anti-bribery Compliance
- Counter-terrorism Policy Statements
- CRA Charity Audits
- Charitable Organizations & Foundations
- Charitable Incorporation & Registration
- Charitable Trusts
- Charity Related Litigation
- Church Discipline Procedures
- Church Incorporation
- Corporate Record Maintenance
- Director and Officer Liability
- Dissolution and Wind-Up
- Employment Related Issues
- Endowment and Gift Agreements
- Foreign Charities Commencing Operations in Canada
- Fundraising and Gift Planning
- Gift Acceptance Policies
- Governance Advice
- Human Rights Litigation
- Insurance Issues
- International Trademark Licensing
- Investment Policies
- Legal Risk Management Audits
- Legal Audits
- National and International Structures
- Privacy Policies and Audits
- Religious Denominational Structures
- Sexual Abuse Policies
- Special Incorporating Legislation
- Charity Tax Opinions and Appeals
- Trade-mark and Copyright Protection
- Transition Under the ONCA

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## **PROTECTION FROM REGULATORY OFFENCES FOR CHURCHES AND CHARITIES**

Churches and charities often face significant liability and financial challenges due to increasing enforcement of federal and provincial regulatory legislation dealing with such matters as water, working conditions and environmental issues. Carters is able to provide advice and assistance at all stages from an initial investigation through to a full defence at a trial. For more information, contact Sean Carter at Carters (1-877-942-0001).

### **EVALUATION**

We appreciate your evaluation and comments. Feel free to use the SurveyMonkey link available at the end of the webinar, or email your comments to [seminars@carters.ca](mailto:seminars@carters.ca).

### **SAVE THE DATE 2021**

The 2021 Annual Church & Charity Law Seminar™ will tentatively be held on **Thursday November 4, 2021**. More details will be available in the New Year at [www.carters.ca](http://www.carters.ca).

### **CARTERS OFFICE LOCATIONS**

2020  
**LEXPERT**RANKED  
LAWYER



CARTERS PROFESSIONAL CORPORATION 2021  
RECOGNIZED BY  
**Best Lawyers**

#### **Toronto Office**

67 Yonge Street, Suite 1402  
Toronto, Ontario, Canada  
M5E 1J8  
Tel: (416) 594-1616  
Fax: (416) 594-1209

#### **Orangeville Office**

211 Broadway, P.O. Box 440  
Orangeville, Ontario, Canada  
L9W 1K4  
Tel: (519) 942-0001  
Fax: (519) 942-0300

#### **Ottawa Office**

117 Centrepointe Drive, Suite 350  
Nepean, Ontario, Canada  
K2G 5X3  
Tel: (613) 235-4774  
Fax: (613) 235-9838

### **GENERAL DISCLAIMER**

Please note the following Disclaimer that applies to all presentations: This handout is provided as an information service by Carters Professional Corporation. It is current only as of the date of the handout and does not reflect subsequent changes in the law. This handout is distributed with the understanding that it does not constitute legal advice or establish a solicitor/client relationship by way of any information contained herein. The contents are intended for general information purposes only and under no circumstances can be relied upon for legal decision-making. Readers are advised to consult with a qualified lawyer and obtain a written opinion concerning the specifics of their particular situation. © 2020 Carters Professional Corporation

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## SPEAKER BIOGRAPHIES



**Sepal Bonni**, B.Sc., M.Sc., J.D., Trademark Agent - Called to the Ontario Bar in 2013, Ms. Bonni is a registered trademark agent and practices in the areas of intellectual property and information technology law. Prior to joining Carters, Ms. Bonni articulated and practiced with a trademark firm in Ottawa. Ms. Bonni represents charities and not-for-profits in all aspects of domestic and foreign trademark prosecution before the Canadian Intellectual Property Office, as well as trademark portfolio reviews, maintenance and consultations. Sepal's copyright practice includes providing clients comprehensive copyright assistance in a range of areas, including copyright registration, licenses, publishing contracts, software licenses, and copyright due diligence.



**Terrance S. Carter**, B.A., LL.B, TEP, Trademark Agent – Managing Partner of Carters, Mr. Carter practices in the area of charity and not-for-profit law, and is counsel to Fasken on charitable matters. Mr. Carter is a co-author of *Corporate and Practice Manual for Charitable and Not-for-Profit Corporations* (Thomson Reuters), a co-editor of *Charities Legislation and Commentary* (LexisNexis, 2020), and co-author of *Branding and Copyright for Charities and Non-Profit Organizations* (2019 LexisNexis). He is recognized as a leading expert by *Lexpert*, *The Best Lawyers in Canada* and *Chambers and Partners*. Mr. Carter is a member of CRA Advisory Committee on the Charitable Sector, and is a Past Chair of the Canadian Bar Association and Ontario Bar Association Charities and Not-for-Profit Law Sections.



**Jacqueline M. Demczur**, B.A., LL.B. – A partner with the firm, Ms. Demczur practices in charity and not-for-profit law, including incorporation, corporate restructuring, and legal risk management reviews. Ms. Demczur has been recognized as a leading expert in charity and not-for-profit law by *The Best Lawyers in Canada*. She is a contributing author to Industry Canada's *Primer for Directors of Not-For-Profit Corporations*, and has written numerous articles on charity and not-for-profit issues for the *Lawyers Weekly*, *The Philanthropist* and *Charity & NFP Law Bulletin*, among others. Ms. Demczur is also a regular speaker at the annual *Church & Charity Law Seminar*<sup>™</sup>.



**Barry W. Kwasniewski**, B.B.A., LL.B. – Mr. Kwasniewski is a partner with the firm and joined Carters' Ottawa office in 2008 to practice in the areas of employment law, charity related litigation, and risk management. After practicing for many years as a litigation lawyer in Ottawa, Barry's focus is now on providing advice to charities and not-for-profits with respect to their employment and legal risk management issues. Barry has developed an expertise in insurance law, and been retained by charities, not-for-profits and law firms to provide legal advice pertaining to insurance coverage matters.



**Theresa L.M. Man**, B.Sc., M.Mus., LL.B., LL.M. – A partner with Carters, Ms. Man practices in the area of charity and not-for-profit law and is recognized as a leading expert by *Lexpert*, *Best Lawyers in Canada*, and *Chambers and Partners*. In addition to being a frequent speaker, Ms. Man is co-author of *Corporate and Practice Manual for Charitable and Not-for-Profit Corporations* published by Thomson Reuters. She is past chair of the CBA Charities and Not-for-Profit Law Section, a member of the Technical Issues Working Group of Canada Revenue Agency's (CRA) Charities Directorate, and a member and former chair of the OBA Charities and Not-for-Profit Law Section. Ms. Man has also written on charity and taxation issues for various publications.



**Tony Manconi**, B.A. – Tony Manconi was appointed as Director General of the Charities Directorate with the Canada Revenue Agency (CRA) on July 25, 2016. He is responsible for the overall management of the federal regulation of registered charities under the *Income Tax Act*. Mr. Manconi began his career in the Public Service in 1988 at the Secretary of State. Prior to joining the Charities Directorate, Mr. Manconi served as the Director General of the Collections Directorate of the CRA. Mr. Manconi holds a Bachelor's degree from Carleton University with a combined major in Law and Economics.





**[Esther S.J. Oh](#)**, B.A., LL.B. – A partner with Carters, Ms. Oh practices in charity and not-for-profit law, and is recognized as a leading expert in charity and not-for-profit law by *Lexpert* and *The Best Lawyers in Canada*. Ms. Oh has written numerous articles on charity and not-for-profit legal issues, including incorporation and risk management for [www.charitylaw.ca](http://www.charitylaw.ca) and the *Charity & NFP Law Bulletin*. Ms. Oh is a regular speaker at the annual *Church & Charity Law Seminar™*, and has been an invited speaker to the Canadian Bar Association, Imagine Canada and various other organizations.



**The Honourable Ratna Omidvar**, C.M., O.Ont.. In 2016, Ratna Omidvar was appointed to the Senate of Canada as an independent Senator representing Ontario. From 2018 – 2019, Senator Omidvar served as the Deputy Chair of the Special Senate Committee on the Charitable Sector. Senator Omidvar has over 30 years of experience working in the charitable sector at senior levels of management as well as serving as a board director and a volunteer with over 35 organizations. For over 16 years she transformed a small, private foundation – Maytree – into a champion for anti-poverty, diversity and inclusion and immigrant and refugee policy issues. She is the co-editor of *Five Good Ideas: Practical Strategies for Non-Profit Success* (2011).



**[Ryan M. Prendergast](#)**, B.A., LL.B. - Mr. Prendergast joined Carters in 2010, becoming a partner in 2018, with a practice focus of providing corporate and tax advice to charities and non-profit organizations. Ryan has co-authored papers for the Law Society of Ontario, and has written articles for *The Lawyers Weekly*, *Hilborn:ECS*, Ontario Bar Association *Charity & Not-for-Profit Law Section Newsletter*, *Charity & NFP Law Bulletins* and publications on [www.charitylaw.ca](http://www.charitylaw.ca). Ryan has been a regular presenter at the annual *Church & Charity Law Seminar™*, Healthcare Philanthropy: Check-Up, Ontario Bar Association and Imagine Canada Sector Source. Ryan is recognized as a leading expert by *Lexpert* and *The Best Lawyers in Canada*.



**[Esther Shainblum](#)**, B.A., LL.B., LL.M., CRM – Ms. Shainblum practices at Carters Professional Corporation in the areas of charity and not for profit law, privacy law and health law. From 2005 to 2017 Ms. Shainblum was General Counsel and Chief Privacy Officer for Victorian Order of Nurses for Canada, a national, not-for-profit, charitable home and community care organization. Before joining VON Canada, Ms. Shainblum was the Senior Policy Advisor to the Ontario Minister of Health. Earlier in her career, Ms Shainblum practiced health law and corporate/commercial law at McMillan Binch and spent a number of years working in policy development at Queen's Park.

### **ADDITIONAL LAWYERS AT CARTERS**



**[Sean S. Carter](#)**, B.A., LL.B. – Sean Carter is a partner with Carters and the head of the litigation practice group at Carters. Sean has broad experience in civil litigation and joined Carters in 2012 after having articulated with and been an associate with Fasken (Toronto office) for three years. Sean has published extensively, co-authoring several articles and papers on anti-terrorism law, including publications in *The International Journal of Not-for-Profit Law*, *The Lawyers Weekly*, *Charity & NFP Law Bulletin* and the *Anti-Terrorism and Charity Law Alert*, as well as presentations to the Law Society of Ontario and Ontario Bar Association CLE learning programs.



**[Nancy E. Claridge](#)**, B.A., M.A., LL.B. – Called to the Ontario Bar in 2006, Nancy Claridge is a partner with Carters practicing in the areas of charity, anti-terrorism, real estate, corporate and commercial law, and wills and estates, in addition to being the firm's research lawyer and assistant editor of *Charity & NFP Law Update*. After obtaining a Master's degree, she spent several years developing legal databases for LexisNexis Canada, before attending Osgoode Hall Law School where she was a Senior Editor of the *Osgoode Hall Law Journal*, Editor-in-Chief of the *Obiter Dicta* newspaper, and was awarded the Dean's Gold Key Award and Student Honour Award. Nancy is recognized as a leading expert by *Lexpert*.



**[Jennifer M. Leddy](#)**, B.A., LL.B. – Ms. Leddy joined Carters’ Ottawa office in 2009, becoming a partner in 2014, to practice charity and not-for-profit law following a career in both private practice and public policy. Ms. Leddy practiced with the Toronto office of Lang Michener prior to joining the staff of the Canadian Conference of Catholic Bishops (CCCCB). In 2005, she returned to private practice until she went to the Charities Directorate of the Canada Revenue Agency in 2008 as part of a one year Interchange program, to work on the proposed “Guidelines on the Meaning of Advancement of Religion as a Charitable Purpose.” Ms. Leddy is recognized as a leading expert by Lexpert.



**[Luis R. Chacin](#)**, LL.B., M.B.A., LL.M. - Luis was called to the Ontario Bar in June 2018, after completing his articles with Carters. Prior to joining the firm, Luis worked in the financial services industry in Toronto and Montreal for over nine years, including experience in capital markets. He also worked as legal counsel in Venezuela, advising on various areas of law, including government sponsored development programs, as well as litigation dealing with public service employees. His areas of practice include Business Law and IT Law.



**[Adriel N. Clayton](#)**, B.A. (Hons), J.D. - Called to the Ontario Bar in 2014, Adriel Clayton manages Carters’ knowledge management and research division, and practices in commercial leasing and real estate. Before joining Carters, Adriel practiced real estate, corporate/commercial and charity law in the GTA, where he focused on commercial leasing and refinancing transactions. Adriel worked for the City of Toronto negotiating, drafting and interpreting commercial leases and enforcing compliance. Adriel has provided in-depth research and writing for the *Corporate and Practice Manual for Charitable and Not-for-Profit Corporations*.



**[Heidi N. LeBlanc](#)**, J.D. – Heidi is a litigation associate practicing out of Carters’ Toronto office. Called to the Bar in 2016, Heidi has a broad range of civil and commercial litigation experience, including matters pertaining to breach of contract, construction related disputes, defamation, real estate claims, shareholders’ disputes and directors’/officers’ liability matters, estate disputes, and debt recovery. Her experience also includes litigating employment-related matters, including wrongful dismissal, sexual harassment, and human rights claims. Heidi has represented clients before all levels of court in Ontario, and specialized tribunals, including the Ontario Labour Relations Board and the Human Rights Tribunal of Ontario.