

Updating Charities and Not-For-Profit Organizations on recent legal developments and risk management considerations.

FEBRUARY 2014

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RECENT PUBLICATIONS AND NEWS RELEASES

CRA Guidance on Charities That Provide Housing

Theresa L.M. Man in *Charity Law Bulletin* No. 332, February 26, 2014.

On February 8, 2014, Canada Revenue Agency (“CRA”) released a new guidance entitled: *Housing and charitable registration* (CG-022) dealing with charities that provide housing to their beneficiaries. It updates and replaces CRA’s Policy Statement CPS-020, *Applicants that are Established to Relieve Poverty by Providing Rental Housing for Low-Income Tenants* that was released on April 1, 2003. This *Bulletin* provides an overview of the new Guidance.

Read More:

[PDF] <http://www.carters.ca/pub/bulletin/charity/2014/chylb332.pdf>

[WEB] <http://www.carters.ca/pub/bulletin/charity/2014/chylb332.htm>

CRA Releases NPO Risk Identification Project Report

Karen J. Cooper

On February 17, 2014, CRA released a Report summarizing its findings from the Non-Profit Organization Risk Identification Project (“NPORIP”), a three-year project examining the extent of tax compliance of non-profit organizations (“NPOs”) under s. 149(1)(l) of the *Income Tax Act* (“ITA”). To qualify as an NPO under s. 149(1)(l), organizations must: (1) not be a charity, whether registered or at common law; (2) be organized exclusively for a purpose other than profit, such as social welfare, civic improvement, pleasure, or recreation; (3) be operated exclusively for social welfare, civic improvement, pleasure, recreation, or any other purpose except profit; and (4) not have income that is payable to or made available for the personal benefit of a member, proprietor, or shareholder.

NPORIP found that a small number of registered charities had filed an NPO tax return in error and that some organizations that had filed as NPOs were, in fact, unregistered common law charities. It also found a small number of organizations whose governing documents indicated that they were not organized exclusively for a purpose other than profit. A small number of organizations were also found to have had income payable or available for the personal benefit of proprietors, members and shareholders, including through shareholder loans, dividends, and guarantees of personal loans.

More significantly, NPORIP found a large number of cases in which organizations were not operated exclusively for a purpose other than profit. In this light, it noted that within the non-profit sector, it is commonly believed that the source of funding does not matter as long as the profits further the

organization's purpose. However, the Report indicated that NPOs may only have incidental profit that arises from "activities that are undertaken to meet the organization's non-profit objectives." As such, a wide range of organizations were found to have carried on activities with apparent profit motive.

The Report commented that s. 149(1)(l) is an "inclusive provision," such that almost any type of organization could qualify based on its broad wording. It further stated that, despite the above findings of non-compliance, many organizations were led by "non-specialist volunteers who generally want to comply with the income tax rules, but who may not fully understand their requirements under the legislation." It concluded that education and outreach with the non-profit sector would be necessary to improve compliance with s. 149(1)(l).

The Report is available online at: <http://www.cra-arc.gc.ca/tx/nnprft/nprft-prjct-rprt-eng.html>

Budget 2014: Impact on Charities

Karen Cooper, Theresa Man, Nancy Claridge, Sean Carter, Ryan Prendergast and Terrance Carter in *Charity Law Bulletin* No. 330, February 12, 2014.

Finance Minister Jim Flaherty introduced on February 11, 2014, the 2014 Federal Budget ("Budget 2014"). While billed by some commentators as a "non event", Budget 2014 included a number of surprises for the charitable and not-for-profit sector. Based upon statements made by the Minister of Finance in December 2013, there was an expectation by some that Budget 2014 might restrict the ability of charities to become involved in political activities, building upon the restrictions that had been introduced in the 2012 Federal Budget. As a consequence, few federal budgets have been anticipated with more trepidation by the charitable sector. However, no such restrictions were included in Budget 2104, although it introduced an amendment to the *Income Tax Act* ("ITA") that restricts the ability of charities and registered Canadian amateur athletic associations from accepting donations from a foreign state listed as a supporter of terrorism for purposes of the *State Immunity Act*, or from an agency of such a state.

On the flip side, there was little expectation that there would be any new tax incentives for charitable donations this year, but to the surprise of many Budget 2014 did contain a few welcome tax incentives, including encouraging Canadians to make additional donations of ecologically sensitive land by doubling the 5-year carry-forward period to ten years, as well as facilitating charitable giving by allowing increased flexibility to apply charitable donation credits against the income tax liabilities of the individual or the estate.

This *Charity Law Bulletin* provides a brief summary of these and some of the other more significant provisions from Budget 2014 that affect charities.

Read More:

[PDF] <http://www.carters.ca/pub/bulletin/charity/2014/chylb330.pdf>

[WEB] <http://www.carters.ca/pub/bulletin/charity/2014/chylb330.htm>

CRA News

Karen J. Cooper.

Qualified Donees Worksheet

CRA has made available on its website the Qualified Donees Worksheet T1236. Canadian charities that are registered charities under the *Income Tax Act* can provide gifts to qualified donees but must complete the T1236 worksheet to identify the gifts that they have made. The T1236 form must be submitted by the charities with their annual returns. The form requests the following information: name of the organization, associated charity, BN/registration number, city, amount of gifts in kind, total amount of gifts, and details about whether a part of the gift was intended for political activities and the amount. To access the T1236 Qualified Donees Worksheet, see online at: <http://www.cra-arc.gc.ca/E/pbg/tf/t1236/README.html>.

Registered Charity Information Return

CRA has made available on its website the new Registered Charity Information Return for 2014. The T3010(13) form or T3010(14) form is to be used by charities with fiscal periods that end on or after January 1, 2013. To access the T3010 E (14) Registered Charity Information Return or previous-year versions, see online at: <http://www.cra-arc.gc.ca/E/pbg/tf/t3010/>.

Internal Divisions of Canadian Registered Charities

CRA has a new webpage about the internal divisions of Canadian registered charities. An internal division is the branch, section or division of a Canadian registered charity. The webpage clarifies the appropriate governing document for an internal division, and lists the contents of a letter of good standing for registration purposes. The webpage also explains the registration number and reference number that applies to an internal division, and provides additional important points that concern internal divisions. To access the webpage, see online at: <http://www.cra-arc.gc.ca/chrts-gvng/chrts/pplyng/ntrnldvsn-eng.html?rss>.

Prescribed Universities Outside Canada

CRA has released an information sheet entitled RC191, *Becoming a Prescribed University Outside Canada*. If a prescribed university outside Canada is a qualified donee, then it can issue official donation

receipts for the gifts that it receives, and it is eligible to receive gifts from Canadian registered charities. The RC191 information sheet explains how a foreign educational institution may become a prescribed university and maintain qualified donee status. The information sheet describes the qualifications to become a prescribed university, the requisite documents and data, and the requirements to maintain qualified donee status. To access the information sheet, see online at: <http://www.cra-arc.gc.ca/E/pub/tg/rc191/README.html>.

Donations of Ecologically Sensitive Land

The 2014 Budget made changes to the Ecological Gifts Program legislation (for details see *Charity Law Bulletin* No. 330 available at <http://www.carters.ca/pub/bulletin/charity/2014/chylb330.htm>). CRA has released a webpage that answers questions about donations of ecologically sensitive land, such as the tax benefits of the Ecological Gift Program, the types of donations that qualify as Ecologically Sensitive Land, the list of qualified recipients, and the carry-forward period. To access CRA's helpful answers, see online at: <http://www.cra-arc.gc.ca/gncy/bdgt/2014/qa03-eng.html>.

Donations of Certified Cultural Property

The 2014 Budget made changes to donations of certified cultural property (for details see *Charity Law Bulletin* No. 330 available at <http://www.carters.ca/pub/bulletin/charity/2014/chylb330.htm>). CRA has released a webpage that answers questions about donations of certified cultural property, such as the definition of certified cultural property and tax shelter gifting arrangements, the previous rule that applied to certified cultural property acquired through a tax shelter gifting arrangement and the new calculation that applies to this property. CRA's answers are online at: <http://www.cra-arc.gc.ca/gncy/bdgt/2014/qa04-eng.html>.

Contacting the Charities Directorate

CRA has updated information on how to contact the Charities Directorate, including the issues that may be addressed by client service representatives and the telephone numbers, fax numbers and mailing address of the Charities Directorate. To view this contact information, see online at: <http://www.cra-arc.gc.ca/chrts-gvng/chrts/cntct/cntct-eng.html>

Charities Program Update

The Charities Directorate has released its second installment of the *Charities Program Update*, which updates charities and the charitable sector about the Charities Directorate's recent programs and activities. The update includes recent initiatives, such as three new guidances, its various programs and activities, such as the data about applications for registration, the *Canada Not-for-profit Corporations Act*, matters

regarding charities and political activates, and future developments, such as the electronic tools initiative. The Charities Program Update - 2014 is available at http://www.cra-arc.gc.ca/chrts-gvng/chrts/bt/chrtsprgrm_pdt-2014-eng.html.

Anti- Spam (CASL) Tip #1: Unintended Consequences for NPOs

Ryan M. Prendergast.

As previously discussed in *Charity Law Bulletin No. 328*, Bill C-28, often referred to as Canada's anti-spam legislation ("CASL"), will come into force in part on July 1, 2014. While the final form of regulations for CASL included a new exemption from the legislation for registered charities regarding electronic messages sent by or on behalf of them that have a primary purpose of fundraising, there are no exemptions for non-profit organizations. However, non-profit organizations should be aware that CASL does make specific reference to them in both the legislation itself and in regulations.

A commercial electronic message, as defined in CASL, may only be sent where the sender has consent from the receiver and the commercial electronic message contains certain prescribed information. Implied consent can arise where the receiver is a member and the sender is a "club, association or voluntary organization." The regulations define a "club, association or voluntary organization" by making reference to the definition of a non-profit organization contained at paragraph 149(1)(l) of the *Income Tax Act*. "Membership" is defined in the regulations as "the status of having been accepted as a member of a club, association or voluntary organization in accordance with its membership requirements."

There are two potential consequences that flow from this definition of membership. The first is that, as a result of non-profit organizations continuing or preparing to transition under either the *Canada Not-for-profit Corporations Act* or *Not-for-profit Corporations Act, 2010*, organizations with non-voting classes of members may be deleting these classes or moving away from categorizing those individuals as "members." As a consequence, if those individuals are no longer "accepted as a member" in accordance with the governing documents of the non-profit organization, the organization can no longer rely on having implied consent to send those individuals commercial electronic messages. As such, the non-profit organization will want to ensure that it obtains express consent from those individuals if it intends on sending them commercial electronic messages.

The second consequence will impact national or umbrella non-profit organizations. Many of these organizations often have a membership made up not of individuals but of provincial or territorial equivalents that are separately incorporated. In this instance, the national or umbrella organization can

only rely on having implied consent to send commercial electronic messages to its members, i.e., its provincial or territorial equivalents, but not directly to the members of those entities that are not necessarily members of the national or umbrella organization. As a result, it will be important to review who the national or umbrella organization has consent from to send commercial electronic messages, or an unintended breach of CASL may occur.

Charitable Donations Discredited

Tanya L. Carlton.

The Tax Court of Canada recently released its decision in *Dhillon v The Queen* (2014 TCC 25). This case concerned an appeal by taxpayers of the Minister of National Revenue's reassessment of charitable donation tax credits for the 2004 to 2006 taxation years.

In the 2004, 2005 and 2006 taxation years, the Dhillons claimed to have made charitable donations of \$14,504, \$18,000 and \$11,960 respectively to Whit-Tee Youth Shelter Inc. ("Whit-Tee") and New Hope for Africa ("New Hope"), charities that have since had their statuses revoked for cause. An investigation into the Dhillons' tax returns found that although they claimed that their tax returns were completed and filed by certain individuals, an investigation proved differently. The investigation determined that the Dhillons' 2004 tax returns were e-filed with the same agent number as returns that were e-filed by Orbit Financial Services ("Orbit") and one of its directors, Isaac Amoako; Amoako and Orbit were later convicted of "preparing and filing income tax returns in which they claimed fraudulent charitable tax donations" for their clients in 2004, 2005 and 2006. Also, the appellants' 2005 income tax returns were e-filed by an associate of William Ankomah, who worked at the Tax Help Centre. A search warrant against Mr. Ankomah and the Tax Help Centre in 2007 found blank receipt books and letterheads for Whit-Tee, New-Hope and other charities; Ankomah was later convicted of fraud in respect of preparing and filing false income tax returns in which he claimed fraudulent charitable tax donations on behalf of his clients.

Although the appellants asserted that they made the charitable donations to the particular charities as claimed, they did not receive receipts at the time the cash was donated. Given that they did not have any credible evidence to prove that they had made the donations to the charities as they claimed, the Court discredited their claims. The Court concluded that the appellants' tax returns were prepared by Orbit and Mr. Amoako, Mr. Ankomah and his associates at the Tax Help Centre, and that the appellants had not in fact made the charitable donations as they claimed in their 2004, 2005 and 2006 tax returns.

For more information, see online at: <http://canlii.ca/t/g2v7k>

Court Sets Aside Tax Court's Decision Allowing Partial Donations

Karen J. Cooper

The Federal Court of Appeal (the "Court") released its decision in *The Queen v Berg* (2014 FCA 25, available online at: <http://canlii.ca/t/g2xg2>) in which it set aside the judgment of the Tax Court of Canada that allowed the respondent to claim tax credits (see the January 2013 *Charity Law Update* at <http://www.carters.ca/pub/update/charity/13/jan13.pdf> regarding the TCC decision). In 2002 and 2003, the respondent purchased timeshare units located in St. Vincent and the Grenadines, as part of a charitable donation program. He paid the fair market value for the timeshare units and a fee to the promoters of this program, and he then received documents which included an inflated value of the timeshare units to enable him to claim larger tax credits. The documents were intended to deceive the Minister of National Revenue into believing that the respondent paid a much higher amount for the timeshare units than he had in fact paid. The respondent transferred the timeshare units to Cheder Chabad, which was a registered charity at the time. Cheder Chabad provided him with a charitable gift receipt for the inflated amount as stated in the initial documents. The respondent claimed a tax credit on his tax returns for the inflated amount and the credit was allowed. Thereafter, the Minister of National Revenue reassessed the respondent's taxation years and determined that he could not claim tax credits for the timeshare units. The respondent appealed the reassessments to the Tax Court. The Tax Court determined that the respondent had not received a benefit beyond the inflated charitable tax receipts, and therefore, he was only entitled to claim a charitable tax credit for the amount that he actually paid for the timeshare units. The court decided that in the absence of another benefit, other than the inflated tax receipt, there was donative intent.

The Crown appealed this decision to the Court arguing that the respondent should not be entitled to claim any tax credits for the timeshare units donated to Cheder Chebad. The Court found that the respondent intended to rely on the documents as if they were correct and when he possessed the documents justifying an inflated value, they did have value and he did receive a benefit. The Court further reasoned that the respondent did not have the requisite donative intent because he donated the timeshares solely to enrich himself using the inflated tax receipts and inflated tax credit claims. As a result, the Court set aside the Tax Court's judgment and dismissed the respondent's appeals.

BC Supreme Court Authorizes Total Return Investment Strategy

Terrance S. Carter in *Charity Law Bulletin* No. 333, February 27, 2014.

On January 13, 2014, the British Columbia Supreme Court in the *Fenton Estate* decision (2014 BCSC 39) considered an application to authorize a "total return investment strategy" (i.e. to allow capital gains to be

distributed as a supplement to income) in order to meet the 3.5% disbursement quota of a charity under the *Income Tax Act*. This Charity Law Bulletin provides a brief overview of the decision and in particular the Court's reasoning concerning why the implementation of a total return investment strategy was justified in order to allow the trustee to encroach on a portion of the capital gains of the charitable trust even though to do so was not permitted under the terms of the will creating the trust.

Read More:

[PDF] <http://www.carters.ca/pub/bulletin/charity/2014/chylb333.pdf>

[WEB] <http://www.carters.ca/pub/bulletin/charity/2014/chylb333.htm>

Court Awards Human Rights Damages in Wrongful Dismissal Lawsuit

Barry W. Kwasniewski in *Charity Law Bulletin* No. 331, February 26, 2014.

In 2008, the Ontario government amended the *Human Rights Code* (the “Code”) to allow a court to award human rights damages in civil proceedings, such as in actions for wrongful dismissal. The recent decision in *Wilson v Solis Mexican Foods Inc.* (“Wilson”) is noteworthy, as it is the first time that the Ontario Superior Court of Justice has awarded damages for the infringement of human rights under the *Code*.

The *Wilson* decision highlights the legal risks of terminating an employee because of his or her ongoing health problems. As will be discussed in this Bulletin, employers, including charities and not-for-profits, which terminate an employee on a ground prohibited by the *Code* will face increased risks of liability in the event the termination is challenged in a civil action.

Read More:

[PDF] <http://www.carters.ca/pub/bulletin/charity/2014/chylb331.pdf>

[WEB] <http://www.carters.ca/pub/bulletin/charity/2014/chylb331.htm>

From .foundation to .camp: New Domain Extensions Becoming Available for Registration

Colin J. Thurston.

In the *Charity Law Update* April 2013 edition, it was reported that the Internet Corporation for Assigned Names and Numbers (ICANN) would soon be increasing the number of generic top-level domains (internet address endings, or “gTLDs”) from the current 22, which includes such gTLDs as *.com*, *.org* and *.net*. Following years of launch preparation (as reported in previous *Charity Law Updates* in January and June of 2012) the first of the anticipated hundreds of new gTLDs have begun to arrive and several are already available for registration. Charities and not-for-profits should consult their domain registrar or reseller for the most up-to-date list of newly launched gTLDs, and should also take note of the following gTLDs, which have already or will soon be expected to go live:

.estate, .gallery, .camp, .academy, .international, .education, .institute, .gift, .club, .community, .foundation

Generally, it is recommended that organizations register as many variations of their key domain names as possible, in order to protect their presence on the internet (for example, the *.com, .ca, .net, .org* versions should all be registered). With the launch of so many possible new gTLDs it will be important for charities and not-for-profits to identify and register those domain names that are relevant to their brands as they become available. If the organization wants to prevent a domain name from being registered by somebody else, then the domain name should be registered by the organization. Attempting to recover a domain name after somebody else has registered it is far more complex and expensive than it is to take the simple and relatively inexpensive step of registering it first.

A list of the new gTLDs that have completed the application process is maintained by ICANN and can be found online at <http://newgtlds.icann.org/en/program-status/delegated-strings>. Domain registrars will have the most up-to-date information regarding registration availability, and some domain registrars may accept pre-orders for domains in advance of their launch. Additionally, organizations are encouraged to take advantage of the Trademark Clearinghouse notification service, which can provide protection for new domain names that would correspond to an organization's registered trade-marks. Further information regarding the Trademark Clearinghouse can be found in Carters' April 2013 *Charity Law Update* at <http://www.carters.ca/pub/update/charity/13/apr13.pdf>, and also online at <http://trademark-clearinghouse.com/>. General information about the launch of new gTLDs can be found at <http://newgtlds.icann.org/en/> and on the websites of most popular domain registrars.

Payday Loans Act Amendments Exempt Charities and Non-Profits

Terrance S. Carter and Ryan M. Prendergast.

In the September and October 2013 *Charity Law Updates*, it was reported that the charities and other not-for-profits involved in microlending could be negatively affected by the *Proposed Regulatory Amendments to the General Regulation (O. Reg. 98/09) of the Payday Loans Act, 2008* ("Proposed Regulations"), released on August 16, 2013. The Proposed Regulations were expected to expand the scope of payday loans to catch a broader range of organizations as designated payday lenders, subjecting them to stricter regulations under the *Payday Loans Act, 2008*.

Amendments have since been made to the Proposed Regulations. The final draft of the Proposed Regulations ("Regulation 351/13") was filed on December 17, 2013 and came into force 60 days after its filing on February 15, 2014. While Regulation 351/13 expands the scope of prescribed loans, it provides

an exception to loans provided by certain charities and not-for-profits, including (1) non-share capital corporations under Part III of the *Corporations Act*, the *Not-for-Profit Corporations Act, 2010*, Part II of the *Canada Corporations Act*, the *Canada Not-for-Profit Corporations Act* or “comparable legislation”; (2) registered charities under the *Income Tax Act*; and (3) individuals, partners, trusts, unincorporated bodies, or unincorporated associations that carry on activities for a purpose other than gain or profit. This should be welcome news to charities and not-for-profits involved in microlending, as they will not be subject to the stricter regulations applicable to designated payday lenders under the *Payday Loans Act*.

The September 2013 Charity Law Update is available online at:

<http://www.carters.ca/pub/update/charity/13/sep13.pdf>

The October 2013 Charity Law Update is available online at:

<http://www.carters.ca/pub/update/charity/13/oct13.pdf>

UBC Seeks to Appeal Binning House Decision

Terrance S. Carter.

As reported in our January 2014 Charity Law Update, the Supreme Court of British Columbia prohibited the sale of specific purpose charitable trust property by The Land Conservancy of British Columbia Inc. (“TLC”). The Court adjourned TLC’s application for approval of the sale of culturally significant property, the Binning House, and allowed TLC to reset its application with further evidence or to amend its application and seek other relief. The University of British Columbia (“UBC”) argued that, where the executors did not want to establish a society to manage the Binning House, the testator’s will provided that the property was to be sold and that proceeds would be transferred to UBC’s B.C. Binning Memorial Fellowship Fund. The Court rejected UBC’s argument in the cost decision given on January 22, 2014, as the testator had stated that she hoped that the Binning House would be “preserved for historical purposes.”

According to information received from counsel for UBC, UBC filed a Notice of Motion on February 12, 2014 in the BC Court of Appeal seeking directions concerning whether leave to appeal is required. If leave is required, then UBC intends to seek an order granting leave to appeal on several grounds as set out in the Notice of Application, including that the judge erred in law in her interpretation of the will of Jessie Binning. This will no doubt be an important case to follow given the interest that it has garnered to date.

For further details on the Supreme Court of British Columbia’s decision, see the January 2014 *Charity Law Update*, online at: <http://www.carters.ca/pub/update/charity/14/jan14.pdf>.

FATF Mutual Evaluation of Canada's Anti-Money Laundering Measures

Nancy E. Claridge and Terrance S. Carter. *Anti-Terrorism and Charity Law Alert* 34, February 26, 2014.

In a report entitled “6th Follow-Up Report: Mutual Evaluation of Canada” released on February 17, 2014, the Financial Action Task Force (“FATF”) praised Canada for making “significant progress” in addressing deficiencies in its anti-money laundering and anti-terrorist financing regime. These deficiencies were raised in 2008 in FATF’s Third Mutual Evaluation on Anti-Money Laundering and Combating the Financing of Terrorism for Canada (“2008 Mutual Evaluation”). As a result of the “significant progress”, the 2014 Mutual Evaluation recommends removing Canada from the FATF’s regular follow-up process, which has required Canada to undergo annual FATF audits. This *Anti-terrorism and Charity Law Alert* provides a summary of the findings and recommendations in the 2008 Mutual Evaluation and 2014 Mutual Evaluation.

Read More:

[PDF] <http://www.carters.ca/pub/alert/ATCLA/ATCLA34.pdf>

Ottawa Region Charity & Not-for-Profit Law Seminar Materials Now Available

The Ottawa Region *Charity & Not-for-Profit Law* Seminar, hosted by Carters Professional Corporation in Nepean, Ontario, on February 13, 2014, was attended by more than 300 leaders from the sector, including directors of charities, government officials, accountants and lawyers. Designed to provide practical information to assist charities and not-for-profits in understanding and complying with recent developments in the law, the related *Church & Charity Law* seminar has been held annually in Toronto since 1994, with an Ottawa seminar first added in 2008. All handouts and presentation materials are now available at the links below, including a summary of federal budget 2014, in the order as presented, with the web links being Power Point slide shows.

Seminar and Speaker Details and Acknowledgements

[PDF] <http://www.carters.ca/pub/seminar/chrchlaw/ott/14/handout.pdf>

Essential Charity and NPO Law Update

Jennifer M. Leddy, Carters Professional Corporation, Ottawa

[WEB] <http://www.carters.ca/pub/seminar/charity/2014/jml0213.htm>

[PDF] <http://www.carters.ca/pub/seminar/charity/2014/jml0213.pdf>

Tough CNCA Issues to Consider

Karen J. Cooper, Carters Professional Corporation, Ottawa

[WEB] <http://www.carters.ca/pub/seminar/charity/2014/kjc0213.htm>

[PDF] <http://www.carters.ca/pub/seminar/charity/2014/kjc0213.pdf>

Update on the ONCA: Issues to Consider Moving Forward

Tanya L. Carlton, Carters Professional Corporation, Ottawa

[WEB] <http://www.carters.ca/pub/seminar/charity/2014/tlc0213.htm>

[PDF] <http://www.carters.ca/pub/seminar/charity/2014/tlc0213.pdf>

Communicating with Donors: Navigating Canada's New Anti-Spam Laws

Ryan M. Prendergast, Carters Professional Corporation, Orangeville

[WEB] <http://www.carters.ca/pub/seminar/charity/2014/rmp0213.htm>

[PDF] <http://www.carters.ca/pub/seminar/charity/2014/rmp0213.pdf>

Directors' & Officers' Insurance – Know Your Coverage and Your Options

Barry Kwasniewski, Carters Professional Corporation, Ottawa

[WEB] <http://www.carters.ca/pub/seminar/charity/2014/bwk0213.htm>

[PDF] <http://www.carters.ca/pub/seminar/charity/2014/bwk0213.pdf>

Top 10 Real Estate and Leasing Issues for Charities and NPOs

Terrance S. Carter, Carters Professional Corporation, Orangeville

[WEB] <http://www.carters.ca/pub/seminar/charity/2014/tsc0213.htm>

[PDF] <http://www.carters.ca/pub/seminar/charity/2014/tsc0213.pdf>

Highlights of 2014 Federal Budget

Terrance S. Carter, Carters Professional Corporation, Orangeville

[WEB] <http://www.carters.ca/pub/seminar/charity/2014/tsc02132.htm>

[PDF] <http://www.carters.ca/pub/seminar/charity/2014/tsc02132.pdf>

Charities Working with Non-Charities: Issues to Consider

Theresa L.M. Man, Carters Professional Corporation, Orangeville

[WEB] <http://www.carters.ca/pub/seminar/charity/2014/tlm0213.htm>

[PDF] <http://www.carters.ca/pub/seminar/charity/2014/tlm0213.pdf>

Copyright Issues for Charities and NPOs: What You Need to Know and Do

Colin J. Thurston, Carters Professional Corporation, Orangeville

[WEB] <http://www.carters.ca/pub/seminar/charity/2014/cjt0213.htm>

[PDF] <http://www.carters.ca/pub/seminar/charity/2014/cjt0213.pdf>

The Basics of Charitable Donations Including the First-Time Donors Super Credit

Karen J. Cooper, Carters Professional Corporation, Ottawa

[WEB] <http://www.carters.ca/pub/seminar/charity/2014/kjc0213b.htm>

[PDF] <http://www.carters.ca/pub/seminar/charity/2014/kjc0213b.pdf>

The Regulator's Perspective: Steering Clear of Compliance Concerns

Cathy Hawara, Director General, Charities Directorate, Canada Revenue Agency

[WEB] <http://www.carters.ca/pub/seminar/charity/2014/ch0213.htm>

[PDF] <http://www.carters.ca/pub/seminar/charity/2014/ch0213.pdf>

IN THE PRESS

HST - What charities should know about HST and sponsorships by Karen J. Cooper.

Hilborn Charity eNews, February 20, 2014.

[Link] <http://www.charityinfo.ca/articles/What-charities-should-know-about-HST-and-sponsorships>

Anti-terrorist Financing reference to Charity Law Update and Terrance S. Carter.

Charity & Security Network, February 6, 2014.

Budget 2014: Impact on Charities by Terrance C. Carter.

Hilborn Charity eNews, February 13, 2014.

[Link] [Online newsletter issue](#)

RECENT EVENTS AND PRESENTATIONS

Imagine Canada's Charity Tax Tools Webinar held on January 28, 2014 featured a presentation by Terrance S. Carter entitled "Drafting Issues for Restricted Gift Agreements Including Endowments."

[Web] <http://sectorsource.ca/managing-organization/charity-tax-tools/charity-tax-tools-webinars>

CSAE Trillium Chapter 4th Annual Winter Summit held on January 30, 2014, included the following presentations:

"Legal Update on Maintaining NPO Status" by Theresa L.M. Man and Terrance S. Carter, and

[Web] <http://www.carters.ca/pub/seminar/charity/2014/tsctlm0130.htm>

[PDF] <http://www.carters.ca/pub/seminar/charity/2014/tsctlm0130.pdf>

"Complying with Canada's Anti-Spam Legislation: Legal Updates for Associations" by Terrance S. Carter and Ryan M. Prendergast.

[Web] <http://www.carters.ca/pub/seminar/charity/2014/tscrcmp0130.htm>

[PDF] <http://www.carters.ca/pub/seminar/charity/2014/tscrcmp0130.pdf>

The OBA Institute – The Latest Developments in Charity & Not-For-Profit Law held on February 7, 2014, included a presentation from Karen J. Cooper entitled "NPOs Making Money....and Other Compliance Issues".

[Web] <http://www.carters.ca/pub/seminar/charity/2014/kjc0207.htm>

[PDF] <http://www.carters.ca/pub/seminar/charity/2014/kjc0207.pdf>

The Ottawa Region Charity & Not-for-Profit Law™ Seminar was held at the Centurion Conference Centre in Ottawa on Thursday, February 13, 2014.

Materials are now available at <http://www.carters.ca/pub/seminar/chrchlaw/ott/index.htm>.

Imagine Canada's FREE Charity Tax Tools Webinar was held on February 25, 2014 featuring a presentation by Ryan M. Prendergast entitled "Navigating Canada's New Anti-Spam Laws for Charities and Non-Profit Organizations."

Materials will be available at <http://sectorsource.ca/managing-organization/charity-tax-tools/charity-tax-tools-webinars>.

Halton Nonprofit Network hosted an event on February 26, 2014 featuring a presentation by Terrance S. Carter entitled “Directors and Officers Liability: The Essentials and Beyond for Charities and Not-for-Profits.”

UPCOMING EVENTS AND PRESENTATIONS

Imagine Canada’s FREE Charity Tax Tools Webinar will be held on March 25, 2014 featuring a presentation by Barry W. Kwasniewski entitled “The Do’s and Don’ts of Employee Acquisition and Termination for Charities and Non-Profit Organizations.”

Register at <http://sectorsource.ca/training-and-events/webinar/dos-and-donts-employee-acquisition-and-termination-charities-and>.

CAGP (Canadian Association of Gift Planners) -ACPDP Annual National Conference will be held from April 9-11, 2014, in Vancouver, British Columbia, and will feature a presentation by Terrance S. Carter entitled “Issues Arising from Management of Endowment Funds” and a presentation by Karen J. Cooper entitled “There are Many Gifts in Kind in the Sea”.

For more information on this event, please visit <http://www.cagp-acpdp.org/?page=2014conference>.

CONTRIBUTORS

Editor: Terrance S. Carter

Assistant Editor: Nancy E. Claridge



Tanya L. Carlton – Called to the Ontario Bar in 2013, Ms. Carlton joined Carters to practice charity and not-for-profit law. A graduate from the University of Ottawa, Faculty of Law in 2012, Tanya also earned a B.Sc. (Hons.) in Biochemistry from Bishops University and a B.Ed. from the University of Western Ontario prior to attending law school. Ms. Carlton taught high school math and chemistry for several years, and also served as an elected Municipal Councillor. Ms. Carlton gained legal experience articling with Carters, as well as during the summers as a research assistant for several Ottawa-based teaching lawyers while at law school.



Terrance S. Carter – Managing Partner of Carters, Mr. Carter practices in the area of charity and not-for-profit law, is counsel to Fasken Martineau on charitable matters. Mr. Carter is a co-author of *Corporate and Practice Manual for Charitable and Not-for-Profit Corporations* (Carswell 2013), and a co-editor of *Charities Legislation and Commentary* (LexisNexis Butterworths, 2014). He is recognized as a leading expert by *Lexpert* and *The Best Lawyers in Canada*, and is Past Chair of the CBA National and OBA Charities and Not-for-Profit Law Sections. He is editor of www.charitylaw.ca, www.churchlaw.ca and www.antiterrorismlaw.ca.



Sean S. Carter – Called to the Ontario Bar in 2009, Sean practices general civil, commercial and charity related litigation. Formerly an associate at Fasken Martineau DuMoulin LLP, Sean has experience in matters relating to human rights and charter applications, international arbitrations, quasi-criminal and regulatory matters, proceedings against public authorities and the enforcement of foreign judgments. Sean also gained valuable experience as a research assistant at Carters, including for publications in *The International Journal of Not-for-Profit Law*, *The Lawyers Weekly*, *Charity Law Bulletin* and the *Anti-Terrorism and Charity Law Alert*.



Nancy E. Claridge – Called to the Ontario Bar in 2006, Ms. 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 Law Update*. After obtaining a Masters 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.



Karen J. Cooper – A partner with the firm, Ms. Cooper is recognized as a leading expert by *Lexpert* and *Best Lawyers* practicing charity and not-for-profit law with an emphasis on tax issues at Carters' Ottawa office, having formerly been a Senior Rulings Officer with the Income Tax Rulings Directorate of Canada Revenue Agency, as well as former counsel for the Department of Justice in tax litigation. Ms. Cooper also has considerable teaching experience, including as part-time professor at the University of Ottawa, Faculty of Common Law, and is a contributing author to *The Management of Charitable and Not-for-Profit Organizations in Canada* (LexisNexis Butterworths).



Barry W. Kwasniewski - Mr. Kwasniewski joined Carters' Ottawa office in October 2008 to practice in the areas of employment law, charity related litigation, and risk management. Called to the Ontario Bar in 1990, Barry has a wide range of litigation experience, including in commercial disputes, personal injury, long-term disability, employment, insurance defence, and professional liability. Barry is a volunteer lawyer at Reach Canada, is on the Board of directors of the Vista Centre, and has assisted in several United Way campaigns.



Cathy Hawara – Director General of the Charities Directorate with CRA, she is responsible for the overall management of the federal regulation of registered charities under the *Income Tax Act*. Prior to joining the CRA, Ms Hawara served as the Director of Appointments with the Senior Personnel Secretariat at the Privy Council Office. She holds a B.A. in Political Science and an LL.B., both from the University of Ottawa. Ms Hawara clerked for Mr. Justice Ian Binnie at the Supreme Court of Canada and was called to the Ontario bar in 2000. She carried on a general litigation practice with McCarthy Tétrault in Toronto before joining the public service in 2002.



Jennifer Leddy – Ms. Leddy joined Carters’ Ottawa office in March 2009 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.”



Theresa L.M. Man – 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* and *Best Lawyers*. She is vice chair of the Executive of the Charity and Not-for-Profit Section of the OBA and an executive member of the CBA. In addition to being a frequent speaker, Ms. Man has also written articles for numerous publications, including *The Lawyers Weekly*, *The Philanthropist*, *Planned Giving Pulse*, *Canadian Fundraiser eNews* and *Charity Law Bulletin*. She is co-author of *Corporate and Practice Manual for Charitable and Not-for-Profit Corporations* published by Carswell in 2013.



Ryan Prendergast – Called to the Ontario Bar in 2010, Mr. Prendergast joined Carters with a practice focus of providing corporate and tax advice to charities and non-profit organizations concerning incorporation, ongoing corporate compliance, registration of charities, audits and internal appeals with CRA, as well as the amalgamation and merger of charities. Ryan is a regular speaker and author. In addition, Ryan has contributed to several *Charity Law Bulletins* and is a regular presenter at the annual *Church & Charity Law Seminar*.

ACKNOWLEDGEMENTS, ERRATA AND OTHER MISCELLANEOUS ITEMS

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CARTERS PROFESSIONAL CORPORATION
SOCIÉTÉ PROFESSIONNELLE CARTERS

PARTNERS:

Terrance S. Carter B.A., LL.B.

tcarter@carters.ca

(Counsel to Fasken Martineau DuMoulin LLP)

Jane Burke-Robertson B.Soc.Sci., LL.B. (1960-2013)

Mervyn F. White B.A., LL.B., LL.M.

mwhite@carters.ca

Karen Cooper B.Soc.Sci., LL.B., LL.L., TEP

kcooper@carters.ca

Theresa L.M. Man B.Sc., M.Mus., LL.B., LL.M.

tman@carters.ca

Jacqueline M. Demczur B.A., LL.B.

jdemczur@carters.ca

Esther S.J. Oh B.A., LL.B.

estheroh@carters.ca

Nancy E. Claridge B.A., M.A., LL.B.

nclaridge@carters.ca

ASSOCIATES:

Jennifer M. Leddy B.A., LL.B.

jleddy@carters.ca

Barry W. Kwasniewski B.B.A., LL.B.

bwk@carters.ca

Sean S. Carter B.A., LL.B.

scarter@carters.ca

Ryan Prendergast B.A., LL.B.

rprendergast@carters.ca

Colin J. Thurston B.A., J.D.

cthurston@carters.ca

Kristen D. van Arnhem B.A., J.D.

kvanarnhem@carters.ca

Tanya L. Carlton OCT, B.SC., B.ED., J.D.

tcarlton@carters.ca

COUNSEL:

Bruce W. Long B.A., LL.B.

blong@carters.ca

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

117 Centrepointe Drive, Suite 124
Ottawa, Ontario, Canada K2G 5X3
Tel: (613) 235-4774
Fax: (613) 235-9838

2 Robert Speck Parkway, Suite 750
Mississauga, Ontario, Canada, L4Z 1H8
Tel: (905) 306-2791
Fax: (905) 306-3434

TD Canada Trust Tower
161 Bay Street, 27th Floor, PO Box 508
Toronto, Ontario, Canada M5J 2S1
Tel: 416-675-3766
Fax: 416-576-3765

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www.carters.ca www.charitylaw.ca www.antiterrorismlaw.ca

Ottawa · Toronto

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Toll Free: 1-877-942-0001

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