

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

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New links added to <a href="http://www.antiterrorismlaw.ca">www.antiterrorismlaw.ca</a>
Upcoming 2003 Annual Church & the Law Seminar

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## NEW PUBLICATIONS

### **Update on Use of Relational Provisions by Ontario Non-Share Capital Corporations**

*by Jacqueline M. Connor and Terrance S. Carter in Charity Law Bulletin No. 22, June 26, 2003.*

For charitable corporations that are closely related to each other, there is frequently a need to include some form of relational provisions in the corporate documents of one or more of these corporations. However, the ability of non-share capital corporations under the *Corporations Act* (Ontario) - the "Act" - to establish and/or utilize relational provisions may now be in jeopardy as a result of a recent position taken by the Ontario Ministry of Consumer and Business Services, Companies and Personal Property Security Branch - "Companies Branch". Specifically, Companies Branch has advised that Ontario non-share capital corporations wanting to implement certain relational provisions in their Letters Patent are not able to do so under the Act. As a result, the ability of both existing and future Ontario non-share capital corporations to either establish and/or rely upon relational provisions in their constating documents is now in question. This Charity Law Bulletin provides a brief explanation of the types and purpose of the relational provisions that are often utilized by charitable corporations, a summary of the recent position taken by Companies Branch, and a commentary in response.

#### **Read More:**

[PDF] [www.carters.ca/pub/bulletin/charity/2003/chylb22.pdf](http://www.carters.ca/pub/bulletin/charity/2003/chylb22.pdf)

[WEB] [www.carters.ca/pub/bulletin/charity/2003/chylb22.htm](http://www.carters.ca/pub/bulletin/charity/2003/chylb22.htm)

### **Carter & Associates and Fasken Martineau Lawyers Consulting Editors of "Charities Law, 2003/2004 Edition"**

Charity lawyers Terrance S. Carter from the law firm of Carter and Associates and Maria Elena Hoffstein and Adam M. Parachin from the affiliated law firm of Fasken Martineau DuMoulin LLP are Consulting Editors of "Charities Law, 2003/2004 Edition", a one-stop source for researching key Federal and Ontario statutes applicable to charities. Copies can be obtained through Butterworths at <http://www.lexisnexis.ca/bookstore/bookinfo.php?pid=605>.

[PDF] [www.carters.ca/news/2003/newbook.pdf](http://www.carters.ca/news/2003/newbook.pdf)

### **The Law of Charitable and Not-for-Profit Organizations - 3rd Edition**

*by Donald Bourgeois*

This book provides an overview of the laws governing charitable and not-for-profit organizations. Copies can be obtained through Butterworths at [www.lexisnexis.ca/bookstore/bookinfo.php?pid=12](http://www.lexisnexis.ca/bookstore/bookinfo.php?pid=12).

**New links added** to [www.antiterrorismlaw.ca](http://www.antiterrorismlaw.ca).

New links to International Resources on anti-terrorism law regarding:

- the US "Patriot Act II" [www.antiterrorismlaw.ca/intterr.htm#USLegislation](http://www.antiterrorismlaw.ca/intterr.htm#USLegislation),
- Amnesty USA, [www.antiterrorismlaw.ca/intterr.htm#amnesty](http://www.antiterrorismlaw.ca/intterr.htm#amnesty),
- the Financial Action Task Force [www.antiterrorismlaw.ca/intterr.htm#FATF](http://www.antiterrorismlaw.ca/intterr.htm#FATF), and
- NGO Watch [www.antiterrorismlaw.ca/intterr.htm#NGOwatch](http://www.antiterrorismlaw.ca/intterr.htm#NGOwatch).

## IN THE PRESS

"U.K. anti-terrorism policy has implications for Canadian charities" by Sean S. Carter and R. Johanna Blom was published in **The Lawyers Weekly**, June 20, 2003.

[PDF] [www.carters.ca/news/2003/lawyerwkly/June%2020%202003.pdf](http://www.carters.ca/news/2003/lawyerwkly/June%2020%202003.pdf)

**The Lawyers Weekly** coverage of Carter & Associates, "Small-town firm has national reputation", June 13, 2003.

[PDF] [www.carters.ca/news/2003/lawyerwkly/June%2013%202003\\_G04.pdf](http://www.carters.ca/news/2003/lawyerwkly/June%2013%202003_G04.pdf)

## RECENT EVENTS AND PRESENTATION MATERIALS

"Key Legal Responsibilities of Charities in Planned Giving" presented by Terrance S. Carter at the **Canadian Cancer Society Professionals' Seminar on Charitable Gifts**, June 5th, 2003.

[PDF] [www.carters.ca/pub/seminar/charity/2003/tsc0605.pdf](http://www.carters.ca/pub/seminar/charity/2003/tsc0605.pdf)

[WEB] [www.carters.ca/pub/seminar/charity/2003/tsc0605.htm](http://www.carters.ca/pub/seminar/charity/2003/tsc0605.htm)

"Selected Tax Aspects of Planned Giving" presented by Elena Hoffstein at the **Canadian Cancer Society Professionals' Seminar on Charitable Gifts**, June 2003.

[PDF] [www.carters.ca/pub/seminar/charity/2003/emh-june5.pdf](http://www.carters.ca/pub/seminar/charity/2003/emh-june5.pdf)

[WEB] [www.carters.ca/pub/seminar/charity/2003/emh-june5.htm](http://www.carters.ca/pub/seminar/charity/2003/emh-june5.htm)

## UPCOMING EVENTS AND PRESENTATIONS

**The 2003 Annual Church & the Law™ Seminar** to be held on Wednesday, November 12th, 2003.

Held every year since 1994, The Annual Church & The Law™ Seminar is designed to provide churches & religious charities with practical information on current legal issues in order to assist them in avoiding unnecessary exposure to legal liability. While the topics presented are directed at churches & religious charities, they also have general application to non-religious charities and not-for-profit organizations. More than 560 people attended the 2002 Church & The Law™ Seminar ([www.carters.ca/pub/seminar/chrchlaw/2002/index.html](http://www.carters.ca/pub/seminar/chrchlaw/2002/index.html)). Registration details to follow.

[PDF] [www.carters.ca/pub/seminar/chrchlaw/2003/notice.pdf](http://www.carters.ca/pub/seminar/chrchlaw/2003/notice.pdf)

[WEB] [www.carters.ca/pub/seminar/chrchlaw/2003/notice.htm](http://www.carters.ca/pub/seminar/chrchlaw/2003/notice.htm)

"Anti-Terrorism Legislation in Canada" to be presented by Terrance S. Carter at the **SUMMER LAW INSTITUTE** on Wednesday, August 27, 2003. A program of the Ontario Justice Education Network, this series is for High School Teachers only and is being held at Osgoode Hall, 130 Queen St. W. in Toronto.

Presentation on "Employment Issues for Non-Profit Organizations" to be presented by Mark J. Wong of Carter & Associates on September 17th, 2003 for the non-profit communities of Peel, Halton and Toronto. This Presentation is sponsored by the **United Way of Peel Region** and is to be held at 5170 Dixie Road, Suite 300 in Mississauga, Ontario. For more information contact Ken Auden at 905-602-3622 or [kauden@unitedwaypeel.org](mailto:kauden@unitedwaypeel.org).

"Good Governance" to be presented by Donald J. Bourgeois at the Manulife Sports Centre in Rim Park, Waterloo, on Saturday, October 4th, 2003. This event is part of an all day workshop put on by the **Volunteer Centre for Kitchener Region** designed primarily for volunteer board directors and senior staff members of charities and not-for-profit organizations. For more information contact Robin Herrington at 519-742-8610 or [admkwvac@on.aibn.com](mailto:admkwvac@on.aibn.com). Space is limited.

"Recent Changes under the Income Tax Act Affecting Charities" to be presented by Terrance S. Carter at the **Law Society's 6th Annual Estates and Trusts Forum** being held on November 19th & 20th, 2003.

## CONTRIBUTORS



**Terrance S. Carter** – Practices primarily in the area of Charity and Not-for-Profit Law, Mr. Carter is member of the Charities Advisory Committee and the Technical Issues Committee advising Canada Revenue Agency, as well as a consulting editor of *Charities Law, 2003/2004 Ed.* published by Butterworths, contributing author to Industry Canada's *Primer for Directors of Not-For-Profit Corporations*, and editor of [www.carters.ca](http://www.carters.ca), [www.charitylaw.ca](http://www.charitylaw.ca) and [www.antiterrorism.ca](http://www.antiterrorism.ca).



**Donald J. Bourgeois** – Counsel to Carter & Associates in the area of Charity and Not-for-Profit Law, governance and fundraising, Mr. Bourgeois is author of *The Law of Charitable and Not-for-Profit Organizations, 1st, 2nd and 3rd Editions*, the *Charities and Not-for-Profit Fundraising Handbook*, *Charities and Not-for-Profit Administration and Governance Handbook* and *Public Law in Canada* published by Butterworth.



**M. Elena Hoffstein** – From the affiliated firm, Fasken Martineau DuMoulin LLP - Toronto office, Ms. Hoffstein practices in the area of Charity and Not-for-Profit Law and has been ranked by LEXPERT as one of the most frequently recommended Toronto private client practitioners and as one of the top 500 lawyers in Canada. Ms. Hoffstein was also a consulting editor of *Charities Law, 2003/2004 Ed.* published by Butterworths



**Jacqueline M. Connor** – Practices in Charity and Not-for-Profit Law, including Incorporation and Corporate Restructuring, Legal Risk Management Reviews, as well as Wills, Estate Planning and Estate Administration. 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 *Charity Law Bulletin*. Ms. Connor is also a regular speaker at the annual Church & the Law™.



**R. Johanna Blom** – Practices litigation in charity and not-for-profit law and human rights. Ms. Blom has developed a particular interest and experience in the area of international human rights, especially in reference to religious freedom, as well as antiterrorism law. She has also written on various legal topics for *The Lawyers Weekly*, and *Charity Law Bulletin*, as well as *Antiterrorism* and *Charity Law Alert*.

## ACKNOWLEDGEMENTS, ERRATA AND OTHER MISCELLANEOUS ITEMS

If the above links do not work from your mail program, simply copy the link text and paste it into the address field of your internet browser.

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