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# **Public Guardian and Trustee (OPGT)**

## **Q&A regarding ONCA**

### **September 28, 2021**

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## **Public Guardian and Trustee (OPGT) Q&A regarding ONCA.**

The Not-for-profit-Corporations Act, 2010 (ONCA) will be proclaimed on October 19, 2021.

Below are some questions the OPGT has received regarding the changes. Please note specific procedures may be amended as the new system roles out.

### **1. Will the OPGT be involved in corporate applications by charities after ONCA?**

The OPGT will not be involved in applications under ONCA except in cases where a charity wishes to change its purposes but does not want to use the after-acquired clause or the applicant wishes to use the term 'Foundation' In that case, the charity should contact our office for further information (416-326-1963 or [PGT-Charities@ontario.ca](mailto:PGT-Charities@ontario.ca)).

### **2. When will the After Acquired Clause be necessary?**

At the time of incorporation, the applicant will select whether they wish to incorporate as a charity. Charitable corporations already in existence will be recognized as such in the new system. In the case of a corporation which has registered as a charity and has applied for a change in articles, the inclusion of the after acquired clause is automatic under the electronic system. Any applicant wishing to omit it will contact the PGT separately and request a letter from the PGT allowing the charity to remove it.

### **3. Currently, when a federal corporation is registered as a charity, we notify the PGT. Will the PGT require notification for any of registrations or amendments of articles of charities under the ONCA?**

Charities incorporating as a charity under ONCA will not need to notify us as Service Ontario will forward the information to the PGT.

### **4. Where the OPGT's approval is required, would the communications with OPGT still be paper based? How would that correlate to the online filings with the Ministry?**

The OPGT's review of any request will be paper-based (via mail/courier or email to our address [PGT-Charities@ontario.ca](mailto:PGT-Charities@ontario.ca)) Our understanding at this point is that we will provide a PDF copy of a letter (or the letter itself) which the applicant

would then need to upload to their application. The procedures may require some adjustment after implementation.

**5. Will the OPGT be able to provide any assistance or information about the Ontario Business Registry process?**

The Ministry of Government and Consumers Services is responsible for the implementation and operation of the Ontario Business Registry. The OPGT will provide referrals to Service Ontario or the relevant guidance when asked. We are unable to answer questions about the process.

**6. What will happen to applications submitted to the OPGT between now and October 19, 2021?**

The PGT will continue to process applications as long as possible. If the PGT's application process is not completed in time, the application will be returned to the applicant. Any applications that are returned by the OPGT will include a full refund.

You may wish to submit applications electronically to [PGT-Charities@ontario.ca](mailto:PGT-Charities@ontario.ca) and then mail in the fees. This would allow us quicker access to the documents.