

The logo for Carters, featuring the word "CARTERS" in a large, white, serif font on a dark blue background.

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THE OTTAWA REGION 2021 *Charity & Not-For-Profit Law Webinar Goes Virtual*

Thursday, February 11th, 2021

WELCOME

Welcome to the Ottawa Region *Charity & Not-for-Profit Law Webinar*, which is designed to assist charities and not-for-profits in understanding developing trends in the law in order to reduce unnecessary exposure to legal liability, with a focus this year on legal issues that charities and not-for-profits are facing in having to operate virtually, given the impact of the pandemic. For lawyers and accountants, this webinar is eligible for 4 substantive hours of CPD credits with the Law Society of Ontario and CPA Professional Development requirements.

The Ottawa Region *Charity & Not-for-Profit Law Seminar*, with its related *Church & Charity Law™ Seminar* held annually in Toronto since 1994, 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 Ottawa, Toronto and Orangeville with experience in advising charities and not-for-profits in Ontario, across Canada, 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 charities and not-for-profits, 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.carters.ca>, www.churchlaw.ca and www.antiterrorism.ca. As well, a link is being provided to the current recently updated version of the Legal Risk Management Checklist for Ontario-Based Charities and Legal Risk Management Checklist for Ontario-Based Not-for-Profits 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 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 January 2021 edition of the [Charity & NFP Law Update](#) through our website.

Carters Professional Corporation

Ottawa (613) 235-4774 Toronto (416) 594-1616 Orangeville (519) 942-0001
www.carters.ca Toll Free / Sans frais: 1-877-942-0001 www.charitylaw.ca

WEBINAR SPONSORS

Carters would like to thank the following companies for their sponsorship of the Annual *Church & Charity Law*[™] Webinar that helps to underwrite costs associated with the Webinar, including contracting EventStream Production which is helping to ensure that the Webinar runs smoothly and professionally.

- **Robertson Hall Insurance**, 1-800-640-0933, www.robertsonhall.com
- **Thomson Reuters**, 1-800-387-5164, <http://store.thomsonreuters.ca>
- **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>
- **Imagine Canada**, <https://www.imaginecanada.ca/en>
- **ONN (Ontario Nonprofit Network)**, <https://theonnc.ca>, <https://nonprofitresources.ca/Canadian>
- **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:

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

PROTECTION FROM REGULATORY OFFENCES FOR CHARITIES AND NOT-FOR-PROFITS

Charities and not-for-profits are facing 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 S. Carter at (1-877-942-0001 x241).

EVALUATION

We appreciate your evaluation and comments. Feel free to use the Feedback Evaluation form available at the end of the webinar, or email your comments to seminars@carters.ca. Complete the fillable pdf form and send by email as an attachment (In Adobe: File → Send File to seminars@carters.ca).

SAVE THE DATE 2022

The **Ottawa Region 2022 Charity & Not-for-Profit Law Seminar** will tentatively be held on **Thursday, February 17, 2022**. More details will be available in the New Year at www.carters.ca.

CARTERS OFFICE LOCATIONS

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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

Ottawa Office

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

Orangeville Office

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

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.

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SPEAKER BIOGRAPHIES



Sepal Bonni, B.Sc., M.Sc., J.D., Trade-mark Agent - Sepal Bonni is a registered trademark agent and practices in all aspects of brand protection. Her trademark practice includes domestic and foreign trademark prosecution, providing registrability opinions, assisting clients with the acquisition, management, protection, and enforcement of their domestic and international trademark portfolios, and representing clients in infringement, opposition, expungement, and domain name dispute proceedings. She also assists clients with trademark licensing, sponsorship, and co-branding agreements. Sepal also advises clients on copyright and technology law related issues.



Terrance S. Carter, B.A., LL.B., TEP, Trade-mark 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 NFP 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*™.



Barry W. Kwasniewski, B.B.A., LL.B. – Mr. Kwasniewski joined Carters' Ottawa office in 2008, becoming a partner in 2014, 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 provides legal advice pertaining to insurance coverage matters to charities and not-for-profits.



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 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 past 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*. Ms. Oh has written numerous articles on charity and not-for-profit legal issues, including incorporation and risk management for 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. 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.



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 corporate and commercial law, anti-terrorism, charity, real estate, 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 Chacin 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, Privacy 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.