



THE CANADIAN  
BAR ASSOCIATION

# CBA CHARITY LAW SYMPOSIUM

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MAY 6, 2019 | TORONTO, ON

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MAY 6, 2019 | TORONTO REGION BOARD OF TRADE, TORONTO, ON

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## MONDAY, MAY 6, 2019

### 8:00 – 8:30 REGISTRATION AND BREAKFAST

Breakfast sponsored by:



### 8:30 – 8:35 OPENING REMARKS

**Co-Chairs:** **Florence Carey**, MLT Aikins LLP (*Winnipeg, MB*)  
**Karen Cooper**, Drache Aptowitz LLP (*Ottawa, ON*)

### 8:35 – 9:05 CASE LAW UPDATE (0.5 hours – Substantive Content)

The latest on key charity and not-for-profit jurisprudence. Anticipated cases: *Trinity Western, Canada without Poverty, Mount Pleasant Group of Cemeteries, Faas v Centre for Addiction and Mental Health Foundation, and The McKay Cross Foundation v ICSS*

**Speaker:** **Brittany Sud**, Fasken Martineau DuMoulin LLP (*Toronto, ON*)

### 9:05 – 9:45 CHARITY LAW'S ENCOUNTER(S) WITH PUBLIC LAW (0.75 hours – Substantive Content)

Canadian charity law came face-to-face with the *Canadian Charter of Rights and Freedoms* last year, in an encounter that ended up significantly shifting the boundaries of the registered charity regime. While *Canada Without Poverty* has heightened awareness of charity law's relationship with public law, the two disciplines have always existed in close proximity. In this talk Dr. Chan identifies three different types of public law-charity law encounters, and considers the implications of these encounters for religious charities and for the broader regulation of the sector.

**Speaker:** **Dr. Kathryn Chan**, University of Victoria (*Victoria, BC*)

### 9:45 – 10:25 PANEL – TALES FROM THE TRENCHES – WHAT NOW FOR POLITICAL ACTIVITIES? (0.75 hours – Substantive Content)

The panel will discuss the practical issues and challenges a registered charity engaged in policy related work must manage on a day-to-day basis, both in light of past experience with CRA audits, and how that may change given the recent amendments to the *Income Tax Act*. Each of the panelists has either dealt directly or as counsel to organizations undergoing a political activities audit.

**Speakers:** **Margaret Mason, Q.C.**, Norton Rose Fulbright Canada LLP (*Vancouver, BC*)  
**Rick Smith**, Broadbent Institute, formerly with Environmental Defence (*Toronto, ON*)

### 10:25 – 10:50 REFRESHMENT BREAK

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10:50 – 11:25 **LOBBYING 101** (0.5 hours – Substantive Content)  
The basics of lobbying regulation and issues in the new Political Advocacy environment.

**Speakers:** **Yvonne Chenier Q.C.**, IntegralOrg (*Calgary, AB*)  
**Sean Moore**, Founder/Principal of Advocacy School (*Ottawa, ON*)

11:25 – 12:00 **PANEL: JOURNALISM AS A NON-PROFIT OR CHARITABLE PURPOSE** (0.5 hours – Substantive Content)  
The federal government committed support for Canadian Journalism in its 2018 Fall Economic Statement. The Government stated its support would be for arm's length, independent of government, news organizations and would be focused on the creation of original news content. It is understood that this support will be in the form of a new category of "qualified done". This panel will discuss the options for charitable support for journalism today and the possibilities if changes are introduced.

**Speakers:** **Susan Manwaring**, Miller Thomson LLP (*Toronto, ON*)  
**Jesse Langdon**, Vice-President & General Counsel, The Globe and Mail (*Toronto, ON*)

12:00 – 13:00 **LUNCHEON**

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13:00 – 13:50 **CRA COMES TO LUNCH** (0.75 hours – Substantive Content)  
An update on the work of the Charities Directorate and its ongoing initiatives.

**Speaker:** **Tony Manconi**, Director General, Charities Directorate, Canada Revenue Agency (*Ottawa, ON*)

13:50 – 13:55 **JANE BURKE-ROBERTSON AWARD**

13:55 – 14:00 **CBA CHARITIES AND NOT-FOR-PROFIT LAW SECTION LAW STUDENT ESSAY CONTEST**

14:00 – 14:30 **PRIMER ON DONOR-ADVISED FUNDS AND CURRENT ISSUES** (0.5 hours – Substantive Content)  
This presentation will address the key legal aspects of donor advised funds, review current issues associated with these funds, as well as provide practical advice when advising clients on their use.

**Speaker:** **Jacqueline M. Demczur**, Carters Professional Corporation (*Orangeville, ON*)

14:30 – 14:45 **REFRESHMENT BREAK**

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14:45 – 15:30 **THE FREE SPEECH RIGHTS OF CHARITIES** (0.75 hours – Substantive Content)  
Review and discussion of *Canada Without Poverty v AG Canada*: How does the constitution apply to cases like this?

**Speaker:** **David Porter**, McCarthy Tétrault LLP (*Toronto, ON*)

15:30 – 16:00 **MEMBERS RIGHTS/BOARD GUIDANCE AND CHARITY EXPRESSION** (0.5 hours – Substantive Content)  
What rights do members have if they don't like the direction a charity is taking? What policies should the board consider to ensure reasonable members' rights while protecting a charity's voice? When can a member be removed? Guidance and rules of thumb for directors as charities exercise their rights of expression. What are the chief risks, and how can the board best mitigate them?

**Speaker:** **Sylvie Lalonde**, Drache Aptowitz LLP (*Ottawa, ON*)

16:00 – 16:05 **CLOSING REMARKS**

**Co-Chairs:** **Florence Carey**, MLT Aikins LLP (*Winnipeg, MB*)  
**Karen Cooper**, Drache Aptowitz LLP (*Ottawa, ON*)

16:05 – 18:00 **WINE & CHEESE RECEPTION**

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