

Charities & Non-Profits

Canadian charitable and not-for-profit (NFP) organizations enjoy special tax advantages, but are subject to significant regulation and oversight as a result. Organizations that fail to comply with their obligations can face severe consequences, including loss of assets, revocation of status, and risk of personal liability. It is therefore essential for charities and NFPs to engage lawyers who have deep expertise in this area of law and sector.

WeirFoulds has extensive experience advising charities, NFPs and their stakeholders on all aspects of their operations. We assist with the establishment of private foundations, provide advice on governance, fundraising, endowments and tax-effective gifting, and represent charities and NFPs that are the subject of audits, investigations and enforcement proceedings.

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Areas of Expertise

- Annual filings
- Compliance
- CRA audits
- Director and member meetings
- Dissolution
- Donation structuring

- Enforcement (sanctions, suspensions, de-registration)
- GST/HST disputes
- Incorporation
- Land transfer taxes
- Registration
- Tax

Representative Experience

Our work for public institutions includes:

- acquisition and divestitures of assets, including the leasing of facilities
- corporate governance and compliance
- legislative assistance
- regulatory compliance
- tax advice
- Acted on the first Ontario case permitting a trustee of a perpetual trust and its beneficiary charities to adopt the “total return” investment model. *Toronto Aged Men’s and Women’s Homes v. Loyal True Blue and Orange Home* (2003), 68 O.R. (3d) 777 (S.C.J.).
- Act for several clients in the establishment of charities and non-profit organizations, including areas of trusts, wills and estate administration, and work under the *Substitute Decisions Act*.
- Acted for estate trustees on passings of accounts seeking approval of commercial transactions involving assets with a value in excess of C\$1 billion.
- Acted for a major trust corporation defending allegations that it failed to obtain an adequate rate of return on trustee investments.

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