

Lucinda (Lucy) E. Main

Partner

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Practice Areas

Wills, Trusts & Estates

Tax

Charities & Non-Profits

Lucy is a partner and Co-Chair of the Wills, Trusts and Estates Practice Group at WeirFoulds with a practice focusing exclusively on estate and trust planning and administration.

Advising Canadian and international clients on a wide range of estate and trust matters, Lucy drafts estate planning documents, establishes private charitable foundations, guides beneficiaries of estates and facilitates the administration of estates and trusts. She helps build estate plans that center on tax efficiencies (be it Canadian income tax, Ontario estate administration tax and/or foreign inheritance and succession taxes) while meeting her clients' equally important non-tax goals. She helps with the smooth and efficient administration of estates and trusts, particularly where there are private company shares, valuable artwork or other collectables and foreign assets involved.

With a keen interest in estate planning and administration when there is an international element, her experience in handling such matters was recognized when she was invited in 2023 to join The International Academy of Trust and Estate Law. She was actively involved in the International Association of Young Lawyers for many years and acted twice as its Canadian representative each time for a three-year term. She has spoken at international conferences including in Malta, Germany, the United Kingdom, Switzerland, Iceland and the United States. In addition to her speaking engagements, she has authored and co-authored chapters and articles for several international publications including for the *Globe Law and Business*, *Jordan Publishing*, *Journal of International Tax*, *Trust and Corporate Planning* and *Trusts and Trustees*.

To strengthen her skills in tax efficient estate planning and administration, Lucy has been active with the Canadian Tax Foundation for many years. Her involvement began in 2011 when she joined the steering committee of the Toronto chapter of the Foundation's Young Practitioners' Group. A few years later she helped organize three consecutive annual Ontario conferences, *The Definitive Tax-Planning Conference for Advisors to Owner-Managed Businesses*. She has spoken at four of the conferences, which conferences are attended by approximately 1,000 tax professionals from across the province. Most recently in 2022 she was invited to join the board of governors for a three-year term. In addition to her involvement with the Foundation, she is currently an editor of *Taxes and Wealth*

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Management, been a member of the Ontario Bar Association's Taxation Section executive committee and written for various tax related legal publications.

Lucy's interests are not limited to international and taxation matters. She is a prolific writer and speaker on a wide variety of estate and trust planning and administration matters. Her book *Preparation of Wills and Powers of Attorney: First Interview to Final Report, Fifth Edition* was published in 2022. She is currently an editor for the well regarded Canadian loose-leaf publication *Widdifield on Executors and Trustees*. She was actively involved with the Ontario Bar Association's Trusts and Estates Law section for five years. In addition, she is frequently invited to present at gatherings of non-lawyers including giving talks to financial advisors and their clients. She has been a faculty member with the Osgoode Intensive Program in Wills & Estates. In 2013 Lucy completed the requirements necessary to earn the Trust and Estate Practitioner (TEP) designation from the international Society of Trust and Estate Practitioners.

Her work and achievements in this practice area were recognized in 2016 when she was awarded the Ontario Bar Association's Hoffstein Book Price. Since 2019 she has been included in the *Canadian Legal Expert Directory* as a leading practitioner in Estate & Personal Tax Planning. Since 2020 she has been recognized by *Best Lawyers in Canada* as a leading lawyer in Trusts and Estates and in August 2023 was recognized by the organization as "Lawyer of the Year – Toronto" in Trusts and Estates.

Called to the Bar	Education	Affiliations
<ul style="list-style-type: none">• Ontario (2008)	<ul style="list-style-type: none">• LL.B., Queen's University, 2007• B.A. (Hons.), University of Western Ontario, 2004	<ul style="list-style-type: none">• Canadian Bar Association• Canadian Tax Foundation• International Academy of Estate and Trust Law• International Bar Association• Ontario Bar Association• Society of Trust and Estate Practitioners (STEP)

Notable Mandates

Lucy advises Canadian and international clients on a wide range of estate and trust planning and administration matters, including:

- drafting estate planning documents, including Wills, Continuing Powers of Attorney for Property and Powers of Attorney for Personal Care;
- building estate plans when one or more of the beneficiaries are citizens and/or residents of another country; most commonly, the United States, United Kingdom, Germany, France and Hong Kong;
- building estate plans where there are assets in other jurisdictions, particularly real estate. Most recently dealing with estates with assets in the United States, Mexico, Switzerland, Austria, Hong Kong, China, Germany, Italy, Spain, United Arab Emirates and the United Kingdom;
- working with family businesses and closely-held private companies with regard to their tax and business succession planning;
- establishing private charitable foundations for individuals and families;

- advising clients on methods in which to minimize income tax and estate administration tax (i.e. probate fees) payable on death;
- counselling beneficiaries of estates, executors of estates, trustees of trusts and attorneys for property and personal care;
- helping facilitate the administration of an estate (i.e. the probate process);
- assisting in the setting up and maintenance of domestic and international trusts; and
- providing support to litigators in contentious estate and trust matters (e.g. Will challenges, passing of accounts, testamentary capacity disputes, guardianship, dependant's relief claims, etc.).

Awards

- Recognized by *Best Lawyers in Canada* as "Lawyer of the Year – Toronto" in Trusts and Estates (2024)
- Recommended by *Best Lawyers in Canada* as a leading lawyer in Trusts and Estates every year since 2020
- Repeatedly recognized in the *Canadian Legal Expert Directory* as a leading practitioner in Estate & Personal Tax Planning (Estate & Tax Planning)
- Awarded the Ontario Bar Association's Hoffstein Book Prize (2016) for achievements in and contributions to trusts and estates law

Professional Activities

- Faculty member, The Osgoode Intensive Program in Wills & Estates:
 - Will Drafting, March 27, 2023
 - Estate Planning and Administration, November/December 2019 and October/November 2018
- Editor, Widdifield on Executors and Trustees, Chapter 5: Bequests and Beneficiaries, Carswell (2023-present)
- Member of the board of governors, Canadian Tax Foundation (2022-present)
- Member of editorial board, Thomson Reuters' Taxes and Wealth Management (quarterly) (2019-present)
- Member editorial board, Society of Trust and Estate Practitioners' Toronto Branch Newsletter Committee (2019-2021)
- Participating mentor, Young Women in Law, speed mentoring events:
 - "Eighth Annual Speed Mentoring Event", Young Women in Law, September 25, 2019
 - "Sixth Annual Speed Mentoring Event", Young Women in Law, June 27, 2017
- Canadian representative, International Association of Young Lawyers (AIJA) (2013-2016 and 2018-2020)
- Participating Mentor, "Building a Successful Solicitor's Wills and Estates Practice: A Mentorship Event", Ontario Bar Association, October 6, 2016
- Organizing committee member, Cambridge Forum's Senior Estates & Trusts Practitioners' Forum – November Edition (2016 and 2017)
- Executive committee member, Ontario Bar Association's Trusts and Estates Law Section (2011-2016)
- Member, Toronto Public Library's Law at the Library Committee (2015)
- Organizing committee member, Canadian Tax Foundation's annual Ontario Conference, The

Definitive Tax-Planning Conference for Advisors to Owner-Managed Businesses (2013, 2014 and 2015)

- Panelist, "Practice Area Primer – Wills and Estates", University of Toronto, Faculty of Law, Toronto, February 12, 2013
- Co-founder, Toronto Junior Trusts and Estates Practitioners' Group (JTEPG) (founded in 2012 and running independently)
- Executive committee member, Ontario Bar Association's Taxation Law Section (2009 – 2014)
- Member of the steering committee, Toronto chapter of the Canadian Tax Foundation's Young Practitioners' Group (2011 – 2013)
- Committee member, Ontario Bar Association's Trusts and Estates Law Section (2009 – 2011)

Speaking Engagements

- Panelist, "Founder's Intent", International Academy of Estate and Trust Law, Mayakoba, Mexico, May 19-23, 2024
- Panelist, "A Hodgepodge of Issues Affecting POAs", The Annotated Powers of Attorney for Property and for Personal Care 2024, Law Society of Ontario, Online, January 24, 2024
- Panelist, "Probate Planning – is it still worth the hype?", Society of Trusts and Estates Practitioners, October 11, 2023
- Panelist, "Masters of Estate Planning: Dinner with Seasoned Professionals", Ontario Bar Association, October 2, 2023
- Co-presenter, "Best Practices in Fact Finding, Drafting Retainer/Scope of Work Agreements with Someone Else", Practice Gems: Probate Essentials 2023, Law Society of Ontario, Online, September 26, 2023
- Co-presenter, "Powers of Attorney for Property – Practices and Standards", the 2023 CIDEL Provence Conference, Seillans, France, September 11-14, 2023
- Panelist, "Drafting Issues for both Powers of Attorney for Personal Care and for Property", The Annotated Powers of Attorney for Property and for Personal Care 2023, Law Society of Ontario, Online, January 26, 2023
- Co-presenter, "Trust reporting Requirements under the Income Tax Act and Beneficial Ownership Disclosure under the Ontario Business Corporations Act", Canadian Tax Foundation, Ontario Tax Conference, October 24, 2022
- Panelist, "The 4 Most Frequent Situations Where Trusts are Used in Common Law Countries", Trusts and Continental Law: Is This Marriage Possible?, International Association of Young Lawyers (AIJA), Geneva, Switzerland, November 14-16, 2019
- Speaker, "Estate Administration Tax Pushback", Law Society of Ontario, Practice Gems: Administration of Estates 2018, September 21, 2018
- Co-presenter, "The Anatomy of a Cross-Border Will", Senior Estates & Trusts Practitioners' Forum, Cambridge Forums, November 6, 2017
- Speaker, "Intersection of Family, Tax, and Estate Law: Recent Legislative and Case Law Income Tax Changes", Society of Trust and Estate Practitioners, September 13, 2017
- Speaker, "The Family Lawyer as Quarterback: Managing Estate Planning Issues", Toronto Lawyers Association, September 13, 2017
- Co-presenter, "Professional Responsibility & Ethics Series: Know Your Client", Ontario Bar Association's Taxation Law Section, December 8, 2016

- Co-presenter, "The Business Side of the Practice", Senior Estates & Trusts Practitioners' Forum, Cambridge Forums, November 16, 2016
- Co-presenter, "When documents don't reflect intentions: effective dates, rectification and rescission", Senior Estates & Trusts Practitioners' Forum, Cambridge Forums, November 16, 2016
- Panelist, "From Cohabitation to Marriage & Beyond", Young Women in Law, October 17, 2016
- Panelist, "Welcome to my Crib – Legal Guide to High Net Worth Individual Housing", 2016 Spring Half-Year Conference, International Association of Young Lawyers (AIJA), Chicago, USA, May 18-21, 2016
- Panelist, "Case Study Around Property Ownership of High Net Worth Individuals", Ninth Annual Tax Conference: Cross Border Taxation of High Net Worth Individuals, International Association of Young Lawyers (AIJA), Reykjavik, Iceland, March 11-12, 2016
- Co-presenter, "Ante-Mortem or Post-Mortem Case Study of Will and Estate Planning", Canadian Tax Foundation, Ontario Tax Conference, October 26, 2015
- Co-chair, "Working with the Family Business: Administration and Litigation of Estates which Include a Family Business", Ontario Bar Association, September 29, 2015
- Co-presenter, "Powers of Attorney and Wills", Law at the Library, Toronto Reference Library, June 30, 2015
- Speaker, "Recent Changes to the Taxation of Life Interest Trusts", The Six-Minute Estates Lawyer 2015, Law Society of Upper Canada, May 6, 2015
- Panelist, "The International High-Net Worth Same Sex Family", International Association of Young Lawyers (AIJA) and the American Bar Association, Brighton, United Kingdom, April 9-11, 2015
- Co-presenter, "Estate Administration: You've Been Named Executor, Now What?", Law at the Library, Don Mills Library, April 1, 2015
- Co-chair, "Corporate Tax: An Introduction", Ontario Bar Association Young Lawyers' Division, December 8, 2014
- Co-presenter, "Current Cases", Canadian Tax Foundation, Ontario Tax Conference, October 27, 2014
- Speaker, "Latest Developments Affecting the Taxation of Trusts", Tax Issues for General Practitioners, Law Society of Upper Canada, September 22, 2014
- Panelist, "Inheritance and Matrimonial Regime for Trusts and Foundations", International Association of Young Lawyers (AIJA) and the International Bar Association, "Governance and Succession Planning for the Family Business & Foundations and Trusts in International Estate Planning", Berlin, Germany, June 20, 2014
- Panelist, "European Union Succession Regulation", P+P Pollath + Partners, Berlin, Germany, June 19, 2014
- Speaker and co-chair, "Estate Assets", Your First Estate Administration, Ontario Bar Association Young Lawyers' Division, May 29, 2014
- Speaker, "Proposed Changes to the Taxation of Testamentary Trusts", The Six-Minute Estates Lawyer 2014, Law Society of Upper Canada, April 29, 2014
- Presenter, "Case Law Update: Swirsky v. The Queen", Tax Update, Ontario Bar Association's Trusts and Estates Section, March 25, 2014
- Chair, "The Tax Consequences of US Citizens and US Tax Residents Living and Working in Canada", Ontario Bar Association Taxation Section, March 5, 2014
- Co-presenter, "Using Inter Vivos Trusts in Estate and Family Planning: Alter Ego and Joint Spousal and Common-Law Partner Trusts", Canadian Tax Foundation, Ontario Tax Conference,

October 29, 2013

- Presenter, "Who's Your Client?", Professional Responsibility & Ethics Series, Ontario Bar Association's Taxation Law Section, October 7, 2013
- Chair, "Taxation Law: What You Missed While You Were Away – Summer 2013 Tax Developments", Ontario Bar Association's Taxation Section, September 11, 2013
- Speaker, "Tax Issues in Trust and Estate Planning: Inter Vivos Trusts – Subsection 75(2) of the Income Tax Act", Ontario Bar Association's seminar "Tax Law Basics for the Corporate-Commercial Practitioner", London, Ontario May 2, 2013
- Co-Chair, "Tax Highlights for the General Practitioner", Ontario Bar Association's Institute, February 8, 2013
- Chair, "Charities and Not-For-Profit Organizations: A Potpourri of Recent Tax Issues", Toronto Chapter of the Canadian Tax Foundation's Young Practitioners' Group, December 10, 2012
- Co-chair, "Professional Responsibility & Ethics Series: Audit Requests and It's Your Mistake, Now Fix It", Ontario Bar Association's Taxation Law Section, December 4, 2012
- Speaker (and co-author), "Canadian Tax, Trust and Estate Issues Relevant to High-Net Worth Individuals with Ties to Canada and the United States", American Law Institute/American Bar Association's International Trust and Estate Planning conference, Toronto, August 23, 2012
- Panelist, "Avoiding or Evading: Using Tax to Benefit, Legally!", International Association of Young Lawyers (AIJA), Location and Relocation of High-Net Worth Individuals, Davos, Switzerland, January 31 - February 4, 2012
- Co-chair, "Professional Responsibility & Ethics Series: Dealing with Tax Opinions & Retroactivity, Retrospectivity and Backdating", Ontario Bar Association's Taxation Law Section, December 5, 2011
- Co-chair, "The Doctrine of Rectification: A Roundtable Discussion", Toronto Chapter of the Canadian Tax Foundation's Young Practitioners Group, October 5, 2011
- • Panelist, "Attack by the Taxman and by Governments: Panel Discussion Covering the Views Under Several Tax Jurisdictions' Approaches on Trusts and the Position of the Settlor and Likely Beneficiaries", International Association of Young Lawyers (AIJA) and the American Bar Association, Trusts Under Attack Conference, Malta, October 21-23, 2010

Publications:

- Co-author, "Charitable Giving in a Will and the Cy-Pres Doctrine: Ensuring Certainty and Intention in Gifts to Charities", Your Guide to Charitable Giving & Estate Planning, Fall 2023 Edition, November 2023
- Contributing author, "Family Offices: The Society of Trusts and Estates Practitioners Handbook for Advisors, Third Edition", STEP and Globe Law and Business, September 2023
- Co-author, "New Taxes on Underused and Vacant Residential Properties in Canada", Taxes and Wealth Management, Thomson Reuters Canada, Issue 16-2, June 2023
- Co-author, "Accomplishing your Philanthropic Goals: Private Foundations and Donor Advised Funds", Your Guide to Charitable Giving & Estate Planning, Spring 2023 Edition, April 2023
- Author, "Preparation of Wills and Powers of Attorney: First Interview to Final Report, 5th Edition", Canada Law Book, 2022
- Co-author, "Is it time to update your Will and Powers of Attorney", Your Guide to Charitable Giving & Estate Planning, Fall 2022 Edition, November 2022
- Co-author, "International Trust Laws", Jordan Publishing, Updated Chapter on Canada (update 104), June 2022

- Co-author, "New Year, New Estate laws", Your Guide to Charitable Giving & Estate Planning, Spring 2022 Edition, April 2022
- Co-author, "Family Offices in Canada – current state and their future," The International Family Offices Journal, Globe Law and Business, December 2021
- Co-author, "Impact of COVID-19 on Estate Planning", Your Guide to Charitable Giving & Estate Planning, Fall 2021 Edition, November 2021
- Co-author, "Significant Estates Law Changes are Coming for All Ontarians: An Overview of Bill 245 & Rule Changes for Small Estates", Society of Trusts and Estates Practitioners, Connection Toronto Branch Newsletter, vol. 8, no. 7, May 2021
- Co-author, "Update on *Calmusky v. Calmusky*: The Continuing Uncertainty of the Presumption of Resulting Trust in Beneficiary Designations", Taxes and Wealth Management, Thomson Reuters Canada, Issue 14-3, October 2021
- Co-author, "Significant Estates Law Changes are Coming for All Ontarians: An Overview of Bill 245 & Rule Changes for Small Estates", Society of Trusts and Estates Practitioners, Connection Toronto Branch Newsletter, vol. 8, no. 7, May 2021
- Co-author, "Presumption of Resulting Trust Applied to Beneficiary Designation of Registered Retirement Income Fund", Taxes and Wealth Management, Thomson Reuters Canada, Issue.14-01, March 2021
- Co-author, "Ontario Moving to Electronic Filing of Probate Applications and Other Estate Law Updates", Taxes and Wealth Management, Thomson Reuters Canada, Issue 13-3, November 2020
- Co-author, "Execution of Wills and Powers of Attorney During the Covid-19 Pandemic in Ontario", Taxes and Wealth Management, Thomson Reuters Canada, Issue 13-2, May 2020
- Contributing author, "Family Offices: The Society of Trusts and Estates Practitioners Handbook for Advisors, Second Edition", STEP and Globe Law and Business, May 2019
- Co-author, "International Trust Laws", Jordan Publishing, Updated Chapter on Canada (update 91), March 2019
- Co-author, "Case Comment: *Stajduhar v. Wolfe* 2017 ONSC 4954", Society of Trusts and Estates Practitioners, Connection Toronto Branch Newsletter, January 2018
- Co-author, "On the House" (a report on the unwelcome tax changes for foreigners buying real estate in Canada), Offshore Investment, October 1, 2017
- Co-author, "Recent changes to Canadian immigration, tax, real estate and trust law and their potential adverse consequences on attracting high net worth foreigners and foreign investment to Canada", Journal of International Tax, Trust and Corporate Planning, vol. 24, issue 3, 2017
- Co-author, "Family Offices in Canada", The International Family Offices Journal (Globe Law and Business), June 2017
- Co-author, "Physician Assisted Dying: Is the Debate Over?", Key Developments in Estates and Trusts Law in Ontario, 2015-2016 Edition, Canada Law Books, Summer 2016
- Contributing author, "Family Offices: The Society of Trusts and Estates Practitioners Handbook for Advisors", STEP and Globe Law and Business, April 2015
- Co-author, "International Trust Laws", Jordan Publishing, Chapter on Canada, January 2015
- Author, "Estates, Trust and Tax Law in Canada: Recent Developments of Interest", Journal of International Tax, Trust and Corporate Planning, Vol. 20, No. 4, 2013
- Co-author, "A Guide to International Estate Planning: Drafting, Compliance, and Administration Strategies", 2nd edition, updated Wolfe D. Goodman's Chapter 16 – Special Considerations in U.S.-Canada Estate Planning, December 2013
- Author, "*Nizar Kanji v. Attorney General of Canada*: McPeake Decision Distinguished and

Rectification Not Granted," Trusts and Estates Law Section of Ontario Bar Association's newsletter, *Deadbeat*, Vol. 31, No. 3, April 2013

- Author, "*Dice v. Dice Estate*: Interpretation of the Term 'Per Stirpes'", Trusts and Estates Law Section of Ontario Bar Association's publication *Deadbeat*, Vol. 31, No. 2, January 2013
- Co-author, "International Estate Planning", 2nd edition, Release 20, Matthew Bender, Chapter 15 – Canada, September 2012
- Co-author, "Recent Developments in Canada in the Areas of Trusts and Estates Law", *Trusts and Trustees* (2012) 18(9): 848-861
- Author, "The ability (or lack thereof) for Canadians to make tax-deductible donations to foreign charities", 227 *Offshore Investment*, June 2012
- Author, "Rectification May Reduce Tax-Planning Negligence Claims", *Canadian Tax Focus*, Vol. 2 No. 2, May 2012
- Author, "Tax Savings for Canadian Immigrants", *Global Citizen*, March/April 2012
- Author, "Case Comment: *Moffet Estate v. Irwin*, 2011 ONSC 5420 – Use of Extrinsic Evidence in the Interpretation of Gift of Real Property in Will," Trusts and Estates Law Section of Ontario Bar Association's publication *Deadbeat*, Vol. 31, No. 3, March 2012
- Author, "Tax Holiday for High-Net Worth Individuals Immigrating to Canada", *International Association of Young Lawyers (AIJA)*, E-zette, No. 27, November 2011
- Author, "Income Attribution Rules and Trusts", *Canadian Tax Focus*, Vol. 1 No. 2, August 2011
- Co-author, "Tax Exempt Trusts for New Canadians: Frequently Asked Questions", 216 *Offshore Investment*, May 2011
- Author, "Trusts Under Attack: A Canadian Perspective", *Journal of International Tax, Trust and Corporate Planning*, Vol. 18, No. 1, 2011
- Author, "Case Comment: *Estate of Paul Penna*, 2010 ONSC 4730 and 2010 ONSC 6993 (CanLII) – Estate Trustee Sentenced to 14 Months in Jail for Contempt of Court", Trusts and Estates Law Section of the Ontario Bar Association's publication *Deadbeat*, Vol. 29, No. 3, March 2011
- Co-author, "The Times They Are A Changin': A Canadian Primer on Protectors, Letters of Wishes and File Memoranda", 206 *Offshore Investment*, May 2010
- Co-author, "A Canadian Immigration Trust Primer", 198 *Offshore Investment*, July/August 2009

In the Media:

- Quoted in "Caution flags for spousal trusts: New tax rules may cause spousal trust assets to be taxed in the hands of someone who does not receive the assets" by Rudy Mezzetta, *Investment Executive*, November 2015
- Featured in Carrick Talks Money, Globe and Mail on-line video, "Stop procrastinating: it's time to get a will."
- Featured in Carrick Talks Money, Globe and Mail on-line video, "What's so bad about using a DIY will kit?"
- Featured in Carrick Talks Money, Globe and Mail on-line video, "Who will be my executor and power of attorney?"
- Featured in "How Parents Can Help Their Adult Children Buy A House" in the August 12, 2014 issue of *The Globe and Mail*.
- Featured in Carrick Talks Money, Globe and Mail on-line video, "Your Duties as Power of Attorney."

- Featured in Carrick Talks Money, Globe and Mail on-line video, "How to Choose Your Power of Attorney?"
- Featured in Carrick Talks Money, Globe and Mail on-line video, "You Want to Give Me Power of Attorney?"
- Featured in "Loyalty points: Don't waste this overlooked asset" in the June 27, 2013 issue of The Globe and Mail.

Publications

- WeirFoulds lawyers published in *Your Guide to Charitable Giving & Estate Planning* Fall 2023 Edition, October 27, 2023
- WeirFoulds lawyers published in *Your Guide to Charitable Giving & Estate Planning* Spring 2023 Edition, April 17, 2023
- WeirFoulds lawyers published in *Your Guide to Charitable Giving & Estate Planning* Fall 2022 Edition, November 07, 2022
- New Year, New Estate Laws, April 11, 2022