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# Critical Issues in the Use of Trusts

Chaired by

**Ingrid Tsui**
Alexander Holburn Beaudin + Lang LLP

June 13th, 2019 • UBC Robson Square • Vancouver, BC

***Live Webinar also available!***

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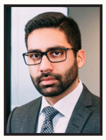
## Chair

**Ingrid Tsui**, Partner, Alexander Holburn Beaudin + Lang LLP, Vancouver, BC. Ingrid leads the Wills, Estates + Trusts practice group at Alexander Holburn. She advises individuals regarding estate planning and estate administration, including wills, trusts, incapacity planning and other tools to achieve effective estate planning results. Ingrid regularly updates a chapter of the CLE Probate Practice Manual and the annotated *Power of Attorney Act*. She holds a TEP designation, is a member of the Estate Planning Council of Vancouver, and has written and lectured on a wide variety of estate planning topics for both legal and non-legal audiences. She has been selected by her peers for inclusion in *Best Lawyers in Canada* in the area of Trusts and Estates.

## Faculty

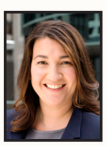


**Asif Abdulla**, Partner, Thorsteinssons LLP, Vancouver, BC. Asif practises in the area of domestic and international tax planning for individuals, trusts, corporations, and other private enterprises. Asif's practice is focused on advising individuals and businesses in respect of succession and estate planning, tax-driven corporate reorganizations, immigration/emigration tax planning, business structuring, and cross-border tax planning. Asif acts for a number of clients who are in dispute with the Canada Revenue Agency and provides advice in respect of applying under the Voluntary Disclosure Program. Asif is an instructor and co-author for various tax courses and seminars. He is also a contributor to Canadian Tax Foundation publications and has completed the In-Depth Tax Course offered by CPA Canada.

**Scott L. Booth**, Partner, Jenkins Marzban Logan LLP, Vancouver, BC. Mr. Booth focuses on problem solving and helping his clients obtain solutions to challenging problems, including complex property disputes, spousal support claims, disputes involving children (including mobility), and both drafting and resolving disputes over domestic agreements. He is an active member of the Vancouver Family Bar and is the past Chair of the Canadian Bar Association's Vancouver Family Law Section. Mr. Booth is also a member of the Editorial Board for the *Family Law Sourcebook for British Columbia* and has written for and presented at the Canadian Federation of Law Societies' National Family Law Conference and the National Judicial Institutes' Family Law Conference. He is a regular contributor to family law publications and a guest speaker at family law courses. Mr. Booth has appeared before all levels of BC courts and is a certified family law mediator.

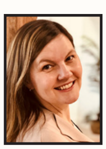
**Scott Boucher**, Senior Associate, Norton Rose Fulbright Canada LLP, Vancouver, BC. Scott practises general commercial litigation with an emphasis on insolvency and restructuring and estates litigation. He assists clients and senior lawyers on a wide variety of matters, including contract and property disputes, insolvency files including receivership, CCAA, bankruptcy and foreclosure proceedings, wills variation claims, and trusts litigation. He has appeared before the Supreme Court of British Columbia, the British Columbia Court of Appeal and the Supreme Court of Canada.

**Ryan Hoag**, CPA, CGA, Regional Tax Leader, MNP LLP, Surrey, BC. Ryan is a Partner and Regional Tax Leader with MNP's Tax Services team. Ryan helps business owners and entrepreneurs build value and grow successful private enterprises through his progressive tax planning solutions. Well versed in Canadian corporate tax, Ryan consults on and assists with corporate reorganizations, business acquisitions and divestitures, asset acquisitions and dispositions, divisive reorganizations and estate and succession planning. He is a Chartered Professional Accountant, qualifying as a Certified General Accountant in 2010, and has completed CPA Canada's In-depth Tax courses and Advanced Corporate Reorganizations course. Ryan has served on the steering committees for the Canadian Tax Foundation's Annual and B.C. Tax Conferences. He has also been a tutor for CPA Canada's In-depth Tax course.



**Kate S. Marples**, Principal, Legacy Tax + Trust Lawyers, Vancouver, BC. Kate's practice is focused on personal and corporate tax planning, corporate and tax-driven reorganizations, tax issues arising in connection with the acquisition or sale of a business, and estate planning. Kate regularly advises owner-managers of small and medium-sized businesses, professionals of various disciplines and individuals, corporations and other organizations who are interested in planning for the future through tax and estate planning. Kate was called to the British Columbia Bar in 2005. She has completed Levels I, II and III of the Canadian Institute of Chartered Accountants In-depth Tax Course and is a member of the Canadian Bar Association, the Canadian Tax Foundation and the Society of Trust and Estate Practitioners.

**Hugh S. McLellan**, Partner, McLellan Herbert, Barristers & Solicitors, Vancouver BC. Mr. McLellan is a past chair of the Canadian Bar Association National Elder Law Section and CBA-BC Elder Law subsection, as well as the CBA Wills and Trusts (Vancouver) subsection. He has written numerous articles on estate litigation and elder law, and he is a frequent lecturer in these areas. In 2004, Mr. McLellan was awarded the Community Service Award by the CBA for his work with groups supporting mentally challenged citizens. He is also a member of the Estate Planning Council of Vancouver, an associate editor of the Estates & Trusts Reports and a member of NAELA (the National Academy of Elder Law Attorneys). Mr. McLellan is a contributing editor of Financial & Estate Planning for the Mature Client in British Columbia and a contributor to the Annotated B.C. Representation Agreement Act, Adult Guardianship Act and related Statutes.



**Alison Oxtoby**, Lawyer and Founder, Balmains Law Corporation, Kelowna, BC. Alison obtained her law degree from the University of Victoria in 1996. She was a partner and worked for 12 years with a large full-service national firm in Vancouver before moving to the Okanagan in 2007. There she worked for several years advising high net worth clients of a private bank and then as a partner in a local boutique firm before founding Balmains Law Corporation. Alison has been Chair of the Society of Trust and Estate Practitioners (STEP) Okanagan Chapter since 2016, and a Member of the Board of STEP's Vancouver Branch since 2013. She has also authored and lectured extensively to a variety of legal and financial professional organizations, as well as at both the University of Victoria and the University of British Columbia law schools; and she regularly teaches courses for Okanagan College's Continuing Education Program.

# Critical Issues in the Use of Trusts

Trusts are a complex and evolving area of law. Although planning opportunities abound, so too do potential pitfalls and occasions for errors or disputes to arise. In order to properly navigate this challenging area and provide your clients with the most practical and beneficial advice, it is important to stay abreast of the latest developments in practice and planning techniques.

This forum assembles a faculty of leading practitioners to guide you through the thorny world of trusts. They will examine the broad range of planning opportunities that trusts provide, as well as a number of the difficult issues that can arise along the way. You will learn about current issues in trusts practice, as well as recent changes in the law. You will take away best practices for advising your clients in this complicated area and what to know to avoid many of the concerns practitioners face.

## You Will Learn About:

- Legal developments in the case law surrounding trusts
- Key tax considerations in the use of trusts
- Planning around the deemed disposition rule
- Select issues where trusts involve real estate
- The interplay between trusts and family law
- Disability planning using trusts
- How planning works in practice

## Who Should Attend?

- Lawyers practising in the areas of trusts, wills, estates or tax
- Estate planning specialists
- Investment managers and professionals
- Accountants providing tax and estate planning advice
- Financial planners and other consultants helping clients protect wealth and minimize tax

# Critical Issues in the Use of Trusts

## June 13th, 2019

**9:00 Welcome and Introduction by PBLI**

**9:05 Chair's Welcome and Introduction**
**Ingrid Tsui**
Alexander Holburn Beaudin + Lang LLP

**9:10 Trusts Case Law Update**
**Scott Boucher**
Norton Rose Fulbright Canada LLP
- Case law review

**9:50 Questions and Discussion**

**10:00 Refreshment Adjournment**

**10:15 Trusts and Tax: Key Considerations**
**Asif Abdulla**
Thorsteinssons LLP
- Taxation of trust income
- Graduated Rate Estates
- Donations: Trusts vs. Estate

**11:05 Questions and Discussion**

**11:15 Planning Around the Deemed Disposition Rule**
**Kate S. Marples**
Legacy Tax + Trust Lawyers
- Deemed disposition rules
- Rollouts to beneficiaries and limitations
- Corporate freezes
- Other tax-related strategies in advance of the 21st anniversary

**12:05 Questions and Discussion**

**12:15 Networking Lunch**

**1:15 Trusts and Real Estate: Select Issues**
**Alison Oxtoby**
Balmains Law Corporation
- Speculation and Vacancy Tax
- Empty Homes Tax
- Property Transfer Tax, including:
  - Foreign Buyers Tax
  - Anti-avoidance rules
- CRA trust reporting requirements
- Changes to the principal residence exemption for trusts

**2:00 Questions and Discussion**

**2:10 Trusts and Family Law**
**Scott L. Booth**
Jenkins Marzban Logan LLP
- The interface between trusts and family law
- Proactive protection: considerations for cohabitation and marriage agreements
- Exposure to claims by a former spouse

**2:50 Questions and Discussion**

**3:00 Refreshment Adjournment**

**3:15 Disability Planning Using Trusts**
**Hugh S. McLellan**
McLellan Herbert, Barristers & Solicitors
- Disability benefits in BC
- Avoiding clawbacks to Provincial benefits
- Planning in wills
- *Inter-vivos* trusts
- SCC decision in *SA v. MVHC* 2019 SCC 4

**3:55 Questions and Discussion**

**4:05 Planning for the Future Using Trusts: A Case Study**
**Ryan Hoag**
MNP LLP
**Ingrid Tsui**
Alexander Holburn Beaudin + Lang LLP

**4:45 Questions and Discussion**

**4:55 Chair's Closing Remarks**

**5:00 Program Concludes**

# INFORMATION

**Four Ways to Register:**

1. Telephone us: 604-730-2500 or toll free 877-730-2555
2. Fax us: 604-730-5085 or toll free 866-730-5085
3. Mail your registration form with payment
4. Register at www.pbli.com/1517

**Registration:** The registration fee is $770.00 plus GST of $38.50 totalling **$808.50** covering your attendance at the program, materials, a light breakfast, a networking lunch and refreshments throughout the day. In-person attendees have the option to receive their materials electronically in advance of the program, or in a hard copy binder on the day of the program. If an in-person attendee requests both hard copy and electronic materials, an additional $50 charge will apply with applicable taxes. Webinar attendeess will always receive their materials electronically.

**Early Bird Discount:** Register by May 13th, 2019 and receive a $100 discount on the registration fee ($670.00 plus GST).

**Group Discounts:** Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Early Bird and Group Discount cannot be combined.

**Payment:** You may pay by VISA, MasterCard or cheque. Cheques should be made payable to the Pacific Business & Law Institute. Registration fees must be paid prior to the program.

**When and Where:** Check-in begins at 8:30 a.m. The program starts at **9:00 a.m.** UBC Robson Square is located at the basement level of **800 Robson Street** in Vancouver, BC. Please visit http://robsonsquare.ubc.ca/find-us/ for directions.

**Materials:** The faculty will prepare papers and/or other materials explaining many of the points raised during this program. Please contact us at registrations@pbli.com if you are unable to attend the program and wish to purchase a set of materials.

**Your Privacy:** We will keep all information that you provide to us in strict confidence, other than to prepare a delegate list containing your name, title, firm and city for our faculty and the program delegates. We do not share our mailing lists with any non-affiliated organization.

**Cancellations:** Full refunds will be given for cancellations (less a $60.00 administration fee) if notice is received in writing five full business days prior to the program (**June 6th, 2019**). After that time we are unable to refund registration fees. Substitutions will be permitted. We reserve the right to cancel, change or revise the date, faculty, content, availability of webinar or venue for this event.

**Course Accreditation:** Attendance at this course can be listed for up to **6.5 hours** of continuing professional development credits with the Law Society of BC.

# Registration Form

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## CRITICAL ISSUES IN THE USE OF TRUSTS

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