PBLI Pacific Business & Law Institute

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TRUSTS 2021:
THE WELL-ADVISED TRUSTEE

Chaired by

Jessica Y. Lo
Solus Trust Company Limited

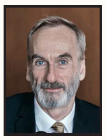
June 17th, 2021 • Attend via Live Webinar

Chair

Jessica Y. Lo, Lawyer and Estate Planning Manager, Solus Trust Company Limited, Vancouver, BC. Jessica facilitates the process for those seeking to appoint Solus Trust in the full range of its fiduciary roles, and also serves its team in an internal advisory capacity. She takes pride in guiding clients with ensuring that the necessary planning details are in order for the smooth, eventual administration of their wishes. In this process, she works collaboratively with law firms, investment-advisory firms, accounting firms, charitable organizations, and seniors' organizations. Prior to joining Solus Trust, Jessica practiced at a regional full-service law firm in the areas of estate and incapacity planning, as well as estate administration. Her previous practice experience gives her a deep understanding of estate planning tools and strategies. Jessica also holds a Trust and Estate Practitioner designation.

Faculty

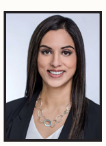
Andrea Armitage, CPA, CA, Partner, Manning Elliott LLP, Vancouver, BC. Andrea has been with Manning Elliot since 2006 and obtained her CPA designation in 2010. Her client base is comprised of owner-managed businesses in a wide range of industries and not-for-profit organizations in the Lower Mainland. She provides compliance services in taxation and assurance as well as advisory services, including estate planning. Andrea co-hosts an annual seminar on 'Preparing for the Inevitable' focusing on preparing your affairs for when you pass away and considerations for estate planning. Andrea is originally from Quebec and speaks fluently in English and in French. Andrea is involved in a number of initiatives and committees at her firm and serves her clients with integrity, professionalism, humor and an easy-going personality.



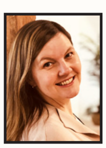
John Blackmer, President & CEO, Solus Trust Company Limited, Vancouver, BC. John has worked in the taxation, trust, and estate fields since 1984. His areas of specialization include managing complex and multi-jurisdictional estates and trusts. John founded Solus Trust in 2005 having recognized a need for an independent trust company not affiliated with any financial institution. Prior to Solus Trust, John worked internationally in the trust industry, assisted with the launch of the fiduciary operations for two large banks in Canada, and worked in the charitable sector and investment industry. He previously practiced law as in-house counsel for Royal Trust in Toronto and has worked at three of Canada's leading law firms in both Calgary and Toronto, where he practiced exclusively in the areas of tax, trust, and estate planning. His extensive experience and expertise makes him a frequently sought after expert witness before the courts and speaker at industry and professional advisor events.

Sandra L. Enticknap, Q.C., Associate Counsel, Miller Thomson LLP, Vancouver, BC. Sandra is an estate planning lawyer with many years of experience in estate and incapacity planning, estate litigation, charitable gift planning and related matters. She has been named in the Canadian Legal Lexpert Directory of leading lawyers for Estate & Personal Tax Planning since 2007 and recognized in *Best Lawyers in Canada* for Corporate Law-Non-profit Foundations and Trusts and Estates since 2013. Sandra was also a 2010 nominee for the YWCA Women of Distinction award in the Business & Professions category. Sandra is a sought-after speaker and has presented on matters related to wills, estates, trusts, charitable gift planning and estate litigation to many notable professional and community groups.

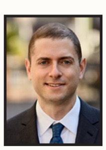
Helen H. Low, Q.C., Partner, Fasken Martineau DuMoulin LLP, Vancouver, BC. Helen Low practises primarily in the areas of wills, estates and trusts litigation, estate administration and estate dispute resolution, with some incapacity, estate and business succession planning to avoid future disputes. She has been counsel on various estate-related litigation proceedings, including wills variation claims, proof of will claims, trust and unjust enrichment claims and abuse of powers of attorney/trustee actions, committeeships and capacity challenges. Helen advises executors and administrators on estate and trust administration, including contentious court proceedings in relation to same. Helen currently is a regular presenter at continuing education seminars in estate law and contributes to the British Columbia Probate & Estate Administration Practice Manual (*Wills Variation* chapter) and the Annotated Estates Practice (*Trust & Settlement Variation Act* and *Trustee Act* chapters). She served as a member of the Estate Administration Committee for the Succession Law Reform Project. Helen has been recognized in her area of practice by Martindale Hubbell, Best Lawyers in Canada and Lexpert.



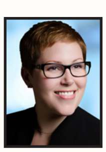
Sheryne Mecklai, Partner, Manning Elliott LLP, Vancouver, BC. Sheryne is a partner in Manning Elliott's Tax Department, primarily focusing on estate planning and business transition services for Canadian owner-managed businesses in a wide range of industries. She has extensive experience working on engagements such as complex estate plans, cross border assignments and Canadian corporate, trust and personal tax compliance. Sheryne is currently a board member of the Vancouver Fireworks Festival Society and a member of the organization committee for the Vancouver Estate Planning Conference. She also served as a member of the Grants and Review Board for the Ismaili community. Sheryne serves as a tutor and lecturer for the CPA In-Depth Tax Course, teaches seminars for the CPABC's professional development program, and has spoken at a variety of internal and external tax update sessions.



Alison Oxtoby, Lawyer and Founder, Balmains Law Corporation, Kelowna, BC. Alison Oxtoby is the founder of the boutique Okanagan law firm of Balmains Law Corporation, where she works primarily in the areas of trusts & estates and tax-planned corporate reorganizations. Alison obtained her law degree from the University of Victoria in 1996. She was a partner with a full-service national firm in Vancouver before moving to the Okanagan in 2007. She has also authored and lectured extensively to a variety of legal and financial professional organizations, including the Chartered Professional Accountants of BC, CBABC, STEP and, of course, PBLI as well at both the University of Victoria and University of British Columbia law schools. She is the Past Chair of the STEP Okanagan Chapter and Executive Committee Member for the STEP Vancouver Branch, Past Co-Chair of the CBA's Okanagan Wills & Trusts Section and the current President of the Kelowna Estate Planning Society.



Aaron Pearl, TEP, Associate, Clark Wilson LLP, Vancouver, BC. Aaron is a lawyer in the Estates & Trusts group and Elder Law group at Clark Wilson LLP. He has earned his Registered Trust and Estate Practitioner designation from the Society of Trust and Estate Practitioners (STEP). Aaron advises clients on all estate and trust and elder law litigation matters, including trustee disputes, will and trust validity challenges, will variation claims and committeeships. Aaron regularly writes on a variety of estate, trust and elder law matters. He is a contributing writer for *British Columbia Estate Litigation* (Toronto: LexisNexis, 2020), and contributes to publications by the Continuing Legal Education Society, including *British Columbia Estate Planning and Wealth Preservation* and the *British Columbia Probate and Estate Administration Practice Manual.*



Rose Shawlee, Associate Counsel, Harper Grey LLP, Vancouver, BC. Rose is a member with both the Wills & Estates and Business Law Groups at Harper Grey LLP. Her practice is primarily focused on assisting families and businesses with their planning, succession, estate, and business needs. Rose is an active member of the community and a sought-after speaker, frequently presenting at community learning seminars in respect of personal planning, elder law, estates, and business succession and tax planning. She has been an active member of Advocis Vancouver's Annual Estate Conference Committee, as well as volunteer editor for industry publications, such as the Continuing Legal Education BC Probate & Estate Administration Practice Manual, and Estate Planning & Wealth Preservation Manual. As a volunteer director for the Charlford House Society for Women, Rose continues her commitment to support resources for women and their growth and independence.

Trusts 2021:
The Well-Advised Trustee

When establishing a trust, the settlor or will-maker must carefully decide who will act as trustee. It is then incumbent on the advising practitioner to ensure that the trust deed sets the chosen trustee up for success. A proactively drafted trust will prepare the trustee to handle any challenges they face while carrying out their duties, while also protecting the beneficiaries during any trustee or trust transitions that may occur. Throughout the life cycle of the trust, a well-advised trustee will be able to efficiently manage the trust property, diligently carry out the settlor's wishes, dutifully report to the beneficiaries, and confidently make difficult decisions.

This program will ensure that practitioners are well positioned to advise the trustee at all stages of the trust's life cycle. Our expert faculty will leave delegates with important insights and practical advice, applicable to those drafting wills and trusts, advising trustees during the life cycle of the trust, and acting as trustees.

You Will Learn About:

- Trust drafting fundamentals
- Trustee duties, best practices during administration, and avoiding potential liability
- Practical considerations during distributions of property
- Tax events arising at significant events in the life cycle of the trust
- Trust transitions and troubleshooting issues

Who Should Attend?

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

Trusts 2021: The Well-Advised Trustee

June 17th, 2021

9:00 Welcome and Introduction by PBLI

9:05 Chair's Welcome and Introduction

Jessica Y. Lo
Solus Trust Company Limited

9:10 Drafting Fundamentals: Beyond the Appointment

Alison Oxtoby
Balmains Law Corporation

- Proactive drafting practices for the creation and execution of the role of trustee
  - Trustee appointment, resignation, and replacement
  - Multiple trustees
  - Exercise of authority and discretion
  - Trust amendment powers
  - Trustee powers

9:55 Questions and Discussion

10:05 The Duties of the Trustee

Aaron Pearl
Clark Wilson LLP

- A deeper understanding of the Trustee's Duties:
  - To comply with the terms of the trust, act personally, act with an even hand and communicate to beneficiaries
  - Duty of Loyalty
  - Duty of Care

10:50 Questions and Discussion

11:00 Morning Break

11:15 Practical Considerations: Distributions of Trust Property

John Blackmer
Solus Trust Company Limited
Rose Shawlee
Harper Grey LLP

- Practical approaches to handling trust distributions and protecting trustees from liability
- Discretionary and Non-Discretionary distributions
- Handling beneficiary requests and considering beneficiaries with special circumstances
- Best practices for record keeping and preparing for passing accounts

12:05 Questions and Discussion

12:15 Lunch Break

1:15 Trustee Liability: Lessons from a Litigator

Helen H. Low, Q.C.
Fasken Martineau DuMoulin LLP

- Common pitfalls and errors made by trustees
- Practical advice to trustees regarding fulfilling their obligations, avoiding conflict and litigation, and protecting themselves from personal liability

2:05 Questions and Discussion

2:15 Afternoon Break

2:30 Tax Events Arising Throughout the Trust's Life Cycle

Andrea Armitage & **Sheryne Mecklai**
Manning Elliott LLP

- From settlement to windup, understanding tax events arising at key events throughout the life cycle of a trust

3:15 Questions and Discussion

3:25 Troubleshooting the Trust

Sandra L. Enticknap, Q.C.
Miller Thomson LLP
Jessica Y. Lo
Solus Trust Company Limited

- Practical strategies to troubleshoot issues that can arise during the administration of a trust
- Addressing transitions, unforeseen changes of circumstances and issues in trust deed drafting

4:20 Questions and Discussion

4:30 Chair's Closing Remarks

4:35 Forum 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/1672**

Registration: The registration fee is $720.00 plus GST of $36.00 totalling **$756.00** covering your access to the live webinar and electronic materials.

Group Discounts: Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration.

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: The program starts at **9:00 a.m. (PDT)**. Attend via Live Webinar: All you need is a computer with a good internet connection and external plug-in speakers or good headphones for optimal audio and volume.

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 10th, 2021**). 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 hours** of continuing professional development credits with the Law Society of BC.

Registration Form

Pacific Business & Law Institute

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E-mail: **registrations@pbli.com**

Trusts 2021:
The Well-Advised Trustee

June 17th, 2021

Attend via Live Webinar

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Firm/Company

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City | Province/Territory | Postal Code

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Please indicate your areas of interest for future notifications (select all that apply):
❑ Estate administration & planning ❑ Small business ❑ Personal tax ❑ Taxation of small business ❑ Other ____________________

How did you hear about this program?
❑ Brochure ❑ Email ❑ Colleague ❑ PBLI Website ❑ Other ____________________

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