

Not-for-Profit & Charities

Not-for-profit organizations can be as wide-ranging and complex as their commercial counterparts. However, they operate in a different legal framework because of their special tax status and compliance requirements. Their legal issues therefore require special expertise in the law of not-for-profit organizations.

At Torkin Manes, we have that special expertise. Our Not-for-Profit & Charities Group has many years of experience acting for not-for-profit clients and their directors, trustees, officers and members, on such matters as structuring and restructurings, corporate governance, by-law interpretation, directors' and officers' liability, compliance issues, cross-border and international relationships, gifting, endowment and fundraising issues.

But not-for-profits also require the full range of legal services—corporate/commercial law, real estate law, employment law, health law, estates and trusts law, tax law, and litigation. At Torkin Manes, we can apply our expertise in all of those areas to the special needs of the not-for-profit sector. We act as general counsel for charities and other not-for-profit organizations in such areas as health care, social services, religion, social justice, education, athletics, sports and recreation. We also act for professional associations, industry and trade associations, commercial and business associations, service clubs, sanctioning bodies and other special interest groups.

Lawyers from other firms frequently call upon Torkin Manes for our expertise in not-for-profit matters. We assist them with their not-for-profit clients or with the not-for-profit organizations on whose boards they sit. Our lawyers frequently chair and speak at national and provincial seminars on not-for-profit and charities law. We are also invited to take part in government think tanks on issues related to not-for-profits.

Torkin Manes' lawyers are involved with the not-for-profit sector not only as professional advisors, but also as volunteers. This volunteer experience enhances and strengthens our ability to serve our clients.

We advise and represent charities and not-for-profits in such matters as:

- Incorporation and organization
- Setting up charitable foundations and trusts
- Charitable registration
- Compliance with Canada Revenue requirements
- Compliance with the requirements of the Office of the Public Guardian and Trustee
- Corporate procedures and compliance with the corporate legislation applicable to federal and provincial not-for-profit corporations
- Corporate restructuring
- Director and officer liability

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- Risk management
- Fundraising issues
- Cross-border and international relationships
- Contracts and agreements
- Compliance with Canada's Anti-Spam Legislation (CASL) and privacy laws
- Employment issues
- Purchase, sale and leasing of real estate
- Tax planning and planned giving
- Litigation

Practice Group Lead

Linda J. Godel 416 643 8809

Practice Group Team

Barry S. Arbus, QC 416 777 5423

Risa Awerbuck 416 777 5425

Wesley Isaacs 416 360 4735

Peter C. Straszynski 416 777 5447

Craig Vander Zee 416 643 8812