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For questions or information, contact us at 1-866-valueBC or bcassessment.ca. The deadline to file an appeal is January 31, 2019.
The Scrivener: What’s in a Name?

“A professional penman, a copyist, a scribe . . . a Notary.” Thus the Oxford English Dictionary describes a Scrivener, the craftsman charged with ensuring that the written affairs of others flow smoothly, seamlessly, and accurately. Where a Scrivener must record the files accurately, it’s the Notary whose Seal is bond.

We chose The Scrivener as the name of our magazine to celebrate the Notary’s role in drafting, communicating, authenticating, and getting the facts straight. We strive to publish articles about points of law and the Notary profession for the education and enjoyment of our members, our allied professionals in business, and the public in British Columbia.
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Filip de Sagher

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Where in the World Has The Scrivener Been? 78
As you read through this issue of our magazine, you will see BC Notaries are a charitable lot.

We are active in our communities and freely donate our time and resources to worthy causes.

I am sure most of you have responded in some way to a public appeal for help for flood victims, for people who have lost everything in a natural disaster like the Fort McMurray fire, or for assistance for victims of a devastating earthquake or famine in some far-off land. The response by the public to these calls is often overwhelming. It exemplifies the "kindness of strangers."

At other times we respond in our community when volunteers are needed for the hospital, the local recreation centre, the hockey or dance program, a blood donor clinic . . . the list is endless.

Have you ever wondered why we respond? Are we just great folks . . . responsible citizens who like to be seen helping? What is our motivation? Scientists have also been wondering.

Their Discoveries

Their research shows the action of giving triggers brain signals that are sent to an interconnected brain area called "medial forebrain pleasure circuit," the area of the brain where pleasure is felt.

For humans, pleasure is a motivator. If an action gives us pleasure, we will want to continue the behaviour and even expand it, in this case donating to or volunteering for something.

The researchers developed a series of studies comparing how the brain reacts to different sets of motivators in our lives.

They divided giving into three general categories.

- Giving for strictly altruistic reasons
- Giving to enhance either financial well-being or community stature
- Giving for personal satisfaction

When we are asked for a donation or to assist others, certain circumstances can change our feelings associated with giving and affect how much we give and to whom. The researchers went on to review how various approaches can motivate charitable giving.

The conclusion seems to be that whether people are motivated by pure altruism or by a sense of improved social status, the act of giving provides a sense of pleasure and well-being to the donor and needed resources to the recipient.

Do we really need researchers to tell us what we know?

Giving feels good! Keep it up!

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Do we really need researchers to tell us what we know?

Giving feels good! Keep it up! ▲
It’s apparent that in our Society, giving and contributing are deeply rooted in Canada’s multicultural makeup.

Cultural diversity, the fabric of Canada, is nothing short of wondrous. For generations, Canada has been recognized as a giving country. We have welcomed those in need of a safe haven and a home.

Regardless of circumstance, religious or other persecution, war, or famine, Canadians gained the recognition as welcoming people and for the most part, that carries on today.

The past is rarely an indicator of the future, however. We have seen, in a number of our federal governments, both a retraction from the role Canada earned as peacekeepers and a reduction in the numbers of refugees and immigrants welcomed to our country.

A certain focus has been placed on refugees arriving on our southern border, on people crossing into Canada from the United States through areas in Quebec and Ontario. There continues to be debate as to whether “illegal crossings” should be rejected under the Safe Haven Agreement that dictates such refugees and migrants should be making application within the United States, considered by many to be a first country of “safe haven.”

The first world was captivated by the mass movement of people from Africa and the Middle East to Europe. Desperate people risked everything, placing their trust and whatever money they had in people-smugglers and criminals. Heart-wrenching stories of death and drowning accompanied by graphic pictures seized our attention.

Our country’s questionable record unfortunately does not stop there. We have only to look within our borders to see the continued deleterious effects of colonialism and the residential school system.

It would be far easier to defend Canada’s record on refugees and immigration had there been a significant recognition of the rights of Aboriginal peoples, along with efforts to address the long-standing problems associated with the Indian Act.

Am I the only person perplexed by the issue of undrinkable water in much of Canada and on a vast number of reservations? Is there not an analogy to the “canary in the coal mine”?

I’d like to propose we take the time to reflect on how fortunate we are to live in a land with such opportunity—including the ability to hold government to account without fear of government-sponsored violence against us.

BC Notaries contribute significantly to their communities. There is a predilection to volunteering and community service that is honourable, highly valued, and appreciated.

BC Notaries are generous and giving. As independent legal-services providers, Notaries are often sought out by newcomers to Canada for advice, assistance, and guidance.

BC Notaries rise to the challenge and the nature of that giving is selfless and enduring. ▲
The past few months have been busy as we continue to move toward the official operating launch of the BC Notaries Association.

We have been promoting our profession and working on the 2019 Spring Conference. Jacqui Mendes and her team have been meeting with various organizations such as British Columbia Real Estate Association and Canadian Mortgage Brokers Association–BC, among other key partner associations.

Part of the work to get the Association organized is to participate in strategic planning. The Executive Team got together to look at the landscape and determine our strengths and weaknesses as well as identify near-term opportunities and threats. We looked at what The Society has done in the past and what we believe we can do to enhance our successes in the future. It was a very productive one-day session with some solid outcomes.

Our membership continues to grow as more than 230 Notaries from around BC have submitted applications to become members of the BC Notaries Association. I would encourage Notaries who have yet to submit their application form to do so now.

Meeting with Government
BC Notaries Society President Rhoda Witherly and I attended a meeting with the Ministry of Finance where we were given the opportunity to present to the select Standing Committee regarding two areas where we want to see action from Government.

- The first was to obtain an exception under the Mortgage Brokers Act that would mirror the exception the Law Society has.
- The second was to support our requests for expanded scope of practice for BC Notaries.

Our message was well received by the MLAs. The exemption is important because it codifies our ability, through the Mortgage Brokers Act, to give mortgage advice—something the Courts already expect BC Notaries to do.

Housing Concerns
National Housing Day was November 22. CEO Jacqui Mendes and I attended the BC Housing Conference and heard a lot about the Government’s plans to help make housing more affordable in BC. The Premier was on hand, along with Minister of Housing Selina Robinson, to kick off the conference and share their vision of a BC that is much more affordable for the average person.

The recent BC Notaries Association press releases were picked up by many news outlets. We were invited to speak live on CKNW to share our thoughts regarding high-priced homes, including nonfamily co-ownership as a possible solution for the Greater Vancouver market. We discussed the value of having co-ownership agreements that outline such things as how to take title (in terms of tenancy), cost-sharing, and exit strategies to the agreement.

Over the next few months, you can expect the advocacy to continue while we also finalize the details of the 2019 Spring Conference. I look forward to seeing everyone there, April 12 and 13, at the River Rock Hotel in Richmond.
I’d like to tell you about an organization I have the honour of serving as a Board member. This is their story in their own words.

Entre Nous Femmes Housing Society (ENF) was started in 1984 by three women who wanted to improve their own lives and the lives of other single mothers and their children. Realizing that safe, secure, and affordable housing was a necessary first step to stability and forward movement in life, they established ENF to develop housing especially geared to the needs of single-parent families.

“It came out of a group of single mothers’ need to effect change.”

April English, founding member of ENF

“People were acting out of their own experience, having gone through tough times and recognizing a way out.”

Leslie Stern, founding member of ENF

“We came to it with the idea that we could do it; we came from a positive place, moving to make life better for us and others like us.”

Mia Stewart (nee Cross), founding member of ENF

The goals (or “ends”) of Entre Nous Femmes Housing Society are to ensure that economically disadvantaged persons in the greatest number possible within the Metro Vancouver Area have the opportunity for their lives to be enhanced by secure, safe, affordable, and appropriate homes to an extent that justifies the use of all available resources and that

- tenants have a safe, secure, and respectful environment;
- homes are affordable and provide an appropriate standard of living;
- the community is clean and aesthetically pleasing;
- there is a diverse community.

“Among Us Women” in its translation “Entre Nous Femmes” seemed to reflect both potential and opportunity…

The Society was incorporated under the Society Act of British Columbia on February 25, 1985, and registered with Revenue Canada as a charitable organization. From 1986 to 1988, the Society opened its first three residential buildings in East Vancouver: Alma Blackwell, Beatrice Terrace, and Antkiw Court. Eight more buildings were added over the next 20 years, bringing ENF’s total portfolio to 409 housing units.

How ENF Got Its Name

When the founding members of ENF submitted their first expression of interest to the Canada Mortgage & Housing Corporation (CMHC), they realized they needed a name for their group. They wanted the name to reflect their nonhierarchal and inclusive philosophy. They also wanted it to say something about their belief that they could develop their own housing.

One night, Mia and April sat down on the floor of April’s living room, a pot of tea on one side of them and a bottle of wine on the other and, with the help of both an English and French dictionary and a name book, came up with the name. April takes responsibility for the name chosen because she had grown up in a francophone community and believed a French name would attempt to create something broader, representing the openness of the group. At the same time April remembers, “It needed to say something about women, not about any individual woman, but about us women together.”

“Among Us Women” in its translation “Entre Nous Femmes” has generated many fascinating reactions, such as “Don’t you allow men?” or “Is it only for francophones?” April saw those sorts of reactions as “people’s limitations to seeing the name, rather than using a broader vision to experience the name.” And besides, it has provided the odd giggle, the value of which is immeasurable!

Find out more about Entre Nous Femmes at www.enfhs.org.
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- Statutory Declarations

Personal Planning
- Estate Planning
- Health Care Declarations
- Powers of Attorney
- Representation Agreements
- Wills Preparation
- Wills Searches

Travel
- Authorization of Minor Child Travel
- Letters of Invitation for Foreign Travel
- Passport Application Documentation
- Proof of Identity for Travel Purposes

Business
- Business Purchase/Sale
- Commercial Leases and Assignment of Leases
- Contracts and Agreements

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- Insurance Loss Declarations
- Manufactured Home Transfers
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- Purchaser’s Side of Foreclosures
- Refinancing
- Residential and Commercial Real Estate Transfers
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- Subdivisions and Statutory Building Schemes
- Zoning Applications

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- Mediation
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The many articles written for our winter theme: Charitable Giving and Volunteering include interesting stories about various aspects of the topic . . . including children, adults, seniors, and animals.

There is certainly no shortage of worthy causes and organizations that will be delighted to receive your donation of time and/or money.

Random acts of kindness qualify as both charitable giving and volunteering. They can be as simple as a sunny smile or a sudden surprise act of generosity that makes everyone feel better—the giver, the receiver, onlookers, and people who hear about the good deed after the fact. Anonymous giving is also very popular today.

Some of our articles provide information about more structured arrangements, such as contributing on a regular basis.

Chris Harris from the Turtle Valley Donkey Refuge notes that charities hope one-time donors become annual donors and annual donors become monthly donors. That ultimately helps charities meet their monthly budgeted expenditures. You can read more about the Refuge on page 30.

A number of BC Notaries were on the ballot in the October 20 civic elections. Congratulations to all who stood for election in the province.

Daniel Boisvert, President of the BC Notaries Association, is now a school trustee in Delta and Notary Nicole MacDonald is a Councillor in Pitt Meadows. Other Notary election participants included Gordon Hepner who ran for a school board position in Surrey and Kate Manvell who ran for West Vancouver City Council.

The list at the left outlines the many services a BC Notary can provide for you.
Being charitable doesn’t necessarily mean writing a cheque or opening your wallet.

Giving away gently used clothes and household items or donating canned goods to the local food bank can have a significant impact.

Charity can also be about giving time to a person, project, or event that focuses on the needs of others. It might not always be the most convenient thing in the world for you to do, but it is one of the most worthwhile.

Never feel your donation is too small. Every little bit helps. Combined with the donations of others, your donation can make a big impact.

**HOW TO CHOOSE A CHARITY**

**What’s Important to you?**
Think about the issues most important to you. Do you care about the environment? Want to help children?

Research the work the charity does. Charities have an obligation to provide detailed information to interested donors. Honest charities encourage your interest and respond to your questions. Never give to a charity you know nothing about.

Choose an organization that aligns with your beliefs. Also, choose one that uses the donations wisely. High administrative expenditures do not benefit the recipients.

**Who? Where?**
Do you want to help people in your own community or on the other side of the world?

**The Activities?**
Think about the activities of the organization. Do you want your donation to go toward research that will lead to new knowledge, to direct service that will have an impact now, or to advocacy work that may lead to changes in the way things happen now and in the future?

**Every little bit helps. Combined with the donations of others, your donation can make a big impact.**

**Big or Small?**
If you give your gift to a large organization, it can be part of a bigger whole. If you give to a smaller organization, your single gift may have a larger impact on the charity. Yours could be the donation that helps keep an important program running or allows a new pilot project to start.

**Legitimate?**
Do not be misled by a charity’s name. Some questionable charities use an impressive name that closely resembles the name of a respected and legitimate organization.

All registered charities in Canada are overseen by the Canada Revenue Agency (CRA); you can check to see if your charity is registered.

**Where Does the Money Go?**
We are lucky to have so many well-run charitable organizations in BC.

Ask how much of your donation goes for general administration and fundraising expenses and how much is left for the program services you want to support.

All registered charities make their financial statements public, so that’s a good place to start. Ask to see a copy of their most recent annual report. You’ll be able to assess the basic financials.

Once you are satisfied the charity is worthwhile, give generously if you can. Many good charities need your help to operate valuable programs and provide needed services.

When you give wisely, you will be giving more effectively.

“We can’t help everyone, but everyone can help someone.”

Dr. Loretta Scott

In recent past years, our friends and family have been involved in fundraising for the BC Children’s Hospital Foundation (BCCHF), an organization that does incredible research and treatment for taking care of children throughout the Province of BC.

We are currently raising funds for the BC Cancer Foundation. The research done in their facility in Vancouver benefits patients in cancer treatment, here in BC and around the world.

Our two young boys understand the need to assist; they always help out by holding a lemonade stand or making bracelets to sell. Every little bit helps!

Former banker Raj Sablok is the wife of BC Notary Akash Sablok and daughter-in-law of BC Notary Tarlok Sablok.

**Raj Sablok**
Giving Behaviour
For Our Time, Talent, and Treasure

Feeding the hungry. Educating children and youth. Caring for the vulnerable, the sick, and the elderly. Finding cures or the best possible treatments. Bringing spiritual communities together. Protecting animals and the environment. Exploring and showcasing our arts and culture.

Charities across Canada are integral to our economy and our well-being. We are fortunate they are supported by individual Canadians at all stages of their lives.

Charities across Canada are integral to our economy and our well-being. We are fortunate they are supported by individual Canadians at all stages of their lives.

Compassion toward those in need, followed by personal belief in the cause and contribution to the community, are key motivators for over 82% of givers.

Religious obligations are the motivation for about 29% of donors.

The tax credit comes in last at 26%.

Although claimed donations have increased 150% in real terms since 1985, a concerning trend is that the proportion of tax filers claiming donations has been falling steadily since 1990.

As the number of tax filers claiming donations has decreased (29.5% in 1990 to 20.8% in 2014), the average donation amounts have increased ($887 in 1990 to just under $1700 in 2014).

Total donations have continued to rise only because those who give are giving more. That also means charities are relying on a decreasing percentage of the population.

Interestingly, men and women have different approaches to charitable giving. Women are driven by issues and have confidence in the charitable sector to get to the solutions. They appreciate the social aspects of giving, in a learning environment, and being active and supporting causes that are important to them during their lifetime.

It has been suggested that men equate wealth with achievement and prestige.

The research report “30 Years of Giving in Canada: The Giving Behaviour of Canadians: Who gives, how, and why?” was released in 2018 by the Rideau Hall Foundation in partnership with Imagine Canada. It seeks to add to the knowledge and evidence base on how giving in Canada is evolving and to help foster a stronger culture of giving in Canada. The report examines a wide variety of issues associated with the philanthropic activities of affluent women in Canada. Addendum reports were issued in May 2016 and October 2017.

Taken together, the reports provide an extensive overview of charitable giving in Canada since 1985 with data and commentary offering an in-depth look at trends by sex, age, income, and region.

It is estimated that in 2014, Canadians gave approximately $14.3 billion in receipted and unreceipted donations to registered charities. The motivations for giving have increased or decreased slightly over the years, but their rankings have remained consistent.

1 http://www.imaginecanada.ca/30years
Women view wealth in terms of financial security and their ability to influence the well-being of their family and those less fortunate.

Women are also more likely to involve their children and grandchildren in their giving. In terms of causes, research suggests women are more engaged with relief of poverty, health issues, children, women’s rights, and education.

Men, on the other hand, often focus on large organizations and international causes.

It is estimated that over $750 billion will be inherited by Canadian baby boomers over the next decade. Whether passed between spouses and partners or from parent to child, this transfer of wealth will most likely rest in the hands of women before being passed along to the next generation.

Generally, women over the age of 75 outnumber men due to their good fortune in living longer. It is those women, along with the generations that follow, who will play a key role in the charitable sector.

- According to a poll taken in December 2017 by the Angus Reid Institute, 51% of Canadians do not have a Will.
- A survey conducted for BC Notaries in 2016 showed that 45% of BC adults do not have a current legal Will.

With the baby boomer generation reaching an age when their estate planning becomes a financial priority and with rising wealth in financial and real estate assets, it is imperative to raise awareness of the need to have a proper Will in place.

Once that discussion starts, the benefits of charitable giving, from both the personal and financial perspectives, can play a key role in ensuring the causes that are important to individuals and their families are supported after their lifetimes.

Sara Neely is the Director of Philanthropic Services at the Victoria Foundation.

5 http://angusreid.org/will-and-testament/
Please take an apple from the basket and join me outside on the grass.”

And so began the invitation from Professor John Borrows to the first students in the University of Victoria’s Faculty of Law WSÁNEĆ Field School . . . an invitation to join him and Rob Clifford, member of the WSÁNEĆ and Tsawout First Nation (and pursuing his doctoral degree in law), in a sharing circle on a sunny September morning.

It was at that point that we, as honoured guests to the launch of this pilot project, left the LÁU,WELNEW Tribal School on the Tsartlip First Nation reserve on the Saanich Peninsula.

The lead-up to that day in fact started the year before with lunch with then-Dean of the Faculty of Law Jeremy Webber. Dean Webber brought forward a bold idea: The funding of a field school that would see students learn, on the land and water, about Indigenous peoples’ legal order in the context of, and in collaboration with, Indigenous communities.

The field school would be an integral part of UVic’s new joint degree program, the first of its kind in the world, that grants students two professional degrees.

- One allows them to reason and act within Indigenous legal traditions.
- One allows them to practise within Canadian common law.
- Students of the 4-year degree program will participate in mandatory field studies in diverse Indigenous communities across Canada and will graduate with professional degrees in both Canadian Common Law (Juris Doctor or JD) and Indigenous Legal Orders (Juris Indigenarum Doctor or JID).

As noted by Dr. Borrows, “The difference between Indigenous law and common law is that Indigenous people look to the land to find the principles for judgment, whereas the common law looks to old cases in libraries to decide how to act in the future. Indigenous law is about law and order, and creating peace between peoples.”

The JD/JID program launched at the University of Victoria in September 2018 and the WSÁNEĆ Field School accepted its first students. For this pilot phase, they are students who are currently enrolled in the JD degree program. Those starting the JD/JID program will participate in the Field School in their third or fourth year of study.

The Field School engages 12 UVic law students, 2 law students from other Canadian universities, and community learners in a 4-month immersion in WSÁNEĆ culture, beliefs, laws, and their application; it includes both class time and community-based learning.

Project placements and having the students contribute to community needs will be a key focus of the program as they examine major concerns such as family and child welfare, LNG or other natural resource projects, environmental rehabilitation, sustainable economic development, and issues on our local Gulf Islands.

The course is focused on WSÁNEĆ peoples’ own laws and will assist
Robert Clifford teaching at the UVic Faculty of Law Indigenous Field School with participants Kimberly Francisco and Corbin Greening and Tsawout elders Joanne Claxton and Earl Claxton Jr.

those communities in identifying their own frameworks, standards, and practices in key governance contexts. The revitalization of their languages and their legal institutions is a crucial dimension of self-government; this program will serve as a model for other regions and communities.

There are four bands in the WSÁNEC First Nation: Tsartlip, Tsawout, Pauquachin, and Tseycum. They see the Field School as part of their language revitalization and one way to exercise their natural rights in contemporary society—while recapturing the traditions, practical principles, and stories that were lost or abandoned due to colonization.

The Victoria Foundation agreed to provide funding for the first year of the pilot project and, assuming all goes well, has funding in reserve for the second year. The Foundation sees this pilot as contributing to transformative change for Indigenous peoples. It gives students practical tools as they learn to work as lawyers with an understanding between cultures.

Working with the Chiefs and Elders in the community and with the full support of the University and the Faculty of Law, the first cohort of students is leading the way to a new understanding of, and commitment to, building relationships among people in Canada.

This funding is provided in partnership with the Sisters of Saint Ann. The Sisters have partnered with the Victoria Foundation to ensure their philanthropic support of many causes can continue. When the Sisters first arrived in Victoria in 1858, they established the first schools and hospitals for Island residents. The Sisters soon spread throughout Western Canada and as far north as Alaska to provide education and health care in mainly rural areas, including Indigenous communities.

Since the school closures, the Sisters have been rigorously dedicated to participating in Indigenous healing and reconciliation efforts across Canada. Supporting the Field School meets one of their goals to help support the aspirations and autonomy of Indigenous communities.

ÁLENENEC means homeland in the SENC’OTEN language of the WSÁNEC people; it encompasses learning from place, spirit, and traditional language. For the students in this pilot project of the WSÁNEC Field School, the lessons began with holding the apple and hearing the stories from Professor Borrows and Rob Clifford. For the Victoria Foundation, support of this new approach to learning is one way we can better understand how philanthropy fits into the conversation around truth and reconciliation where we live, work, and play.

We look forward to hearing about successes as this program shapes the future of legal education in Canada. ▲

Sara Neely is the Director of Philanthropic Services at the Victoria Foundation.
Canada is witnessing an increased interest in philanthropy, taking the conversation from niche to mainstream in the wealth-transfer planning sector.

The economy can expect upheaval as baby boomers—that large demographic bubble of people born in the two decades following the Second World War—shift into retirement, old age, and end of life. That is triggering a massive wealth transfer estimated to be in the order of $750 billion.

Parkinson, McFarland, & McKenna, 2017; Tal, 2016

Whether through the sale of assets, property transfers, or fundamental shifts in the demographics of our communities, Canada is in for intergenerational wealth transfer turbulence. One key trend is the growing tendency of the wealthy to give to charity as they transition their wealth to the next generation. Philanthropy is alive and growing.

The Sticky Business
Findings from a 2018 qualitative research project, Doing Good for Business, led by the Canadian Association of Gift Planners (CAGP), tell us that philanthropy is a powerful force in helping attract new clients and creating what one advisor calls a “sticky business.” In Doing Good for Business – The inclusion of philanthropy in the Canadian Professional Advisor’s business practice, philanthropy is described as “the glue that binds client’s loyalty to (professional advisor) service with such strength that the loyalty sometimes spans across several generations.”


Clients are seeking positive and meaningful conversations on philanthropy with their advisors. A 2014 Canadian survey, also led by CAGP and entitled The Philanthropic Conversation, found wealth-management clients are highly interested in discussing philanthropy and look to their financial advisors to lead the way. The advisors include portfolio managers, wealth and estate planners, insurance brokers, financial business-development managers, estate-planning lawyers, and tax accountants.

Client conversations that go beyond the purely monetary open up opportunities and generate positive ripple effects for the advisor’s practice, for the firm, and for the community.

1. The Holistic Approach
When a financial advisor takes an interest in the client beyond portfolio gains and losses or business dealings, the advisor fundamentally changes the client relationship. The simple act of expressing an interest in the overall welfare of the client strengthens business and the longevity of the client-advisor relationship.
2. Solutions to Client Problems
Philanthropy offers strategic solutions in transferring business assets and wealth to the next generation. Gifts of insurance policies, in-kind gifts of shares and flow-through shares, and gifts of ecologically sensitive land are examples of strategies to help clients maximize their philanthropic dollars and, at the same time, relieve a looming tax burden.

The truly wealthy share a unique problem. Many individuals of ultra-high net worth are worried they have simply amassed too much wealth to share only with their family. The solution lies in strategic charitable giving. One advisor sees a trend of HNW families in Canada increasingly naming charities as primary beneficiaries of wealth transferred when a matriarch or patriarch dies.

3. DAF
Another trend is the proliferation of in-house (financial institution) foundations with the option for the client to create a donor advised fund (DAF). When dollars are committed to an in-house foundation, the financial institution continues to manage those funds for at least a decade and sometimes in perpetuity, enabling donors to make strategic and long-term philanthropic decisions.

Back to the Future
As wealth is transferred from one generation to the next, we will see increased philanthropy and more acts of charitable giving. Having that meaningful philanthropic conversation with a savvy wealth manager can help ensure maximum impact for donors, their families, and for the causes they support.

www.cagp-acpdp.org ▲

Dr. Carla Funk is President and CEO of Transform International Canada and was lead researcher on Doing Good for Business.

Ruth MacKenzie is President and CEO of the Canadian Association of Gift Planners.

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LEAD A NEW ERA
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604.875.3679  bcchf.ca/advisor
January is Alzheimer’s Awareness Month. People across Canada are standing up and saying, “I live with dementia. Let me help you understand.”

A recent survey by Insights West showed that 6 in 10 British Columbians would not know what to do if they encountered someone living with dementia who needed help. While awareness of Alzheimer’s disease and other dementias is growing, the stigma experienced by the individuals and families who are affected remains a reality.

Negative attitudes held by friends, families, and professionals can discourage people from getting a diagnosis, seeking treatment and support, or disclosing their illness. In a separate survey, 61 per cent of Canadians polled thought they would experience discrimination if diagnosed.

Stigma can affect well-being and the ability to manage changes brought about by dementia. When we reduce stigma, people living with dementia can live better.

The Alzheimer Society of B.C. is committed to building a world where people affected by dementia are supported, welcomed, and included—a dementia-friendly province.

We can all play a role in eliminating stigma and empowering people affected by dementia. Start a conversation with the people in your life; help them better understand dementia. Talk to people affected by dementia and let them know they’re still part of a community.

Mario says, “Focus on my abilities. Dementia can be a long journey; please be patient with me. We can live positively after diagnosis. People with dementia have a voice. Become informed; it’s the best way to reduce stigma.”

Maria Howard is ensuring people affected by the disease play an integral part. We’ve spoken to people living with dementia from across the country who’ve shared their challenges and triumphs. Now, they’re sharing their stories with the world to increase understanding of what the dementia journey is really like and what actions we can all take to end the stigma associated with it.

Says Mario Gregorio, diagnosed with Alzheimer’s disease and vascular dementia at age 58, “When people tell me I do not look like I have Alzheimer’s disease, I don’t know how to respond because they do not see my struggles.”

Since his diagnosis 10 years ago, Mario has become an avid photographer, a passionate volunteer for organizations like Tourism Canada, and an advocate. Dementia doesn’t stop people from being active members of the community. They’re still the same family member, friend, or colleague they were before the diagnosis . . . human beings who want and need our friendship.
Benefaction

Benefaction is not the name of a new release from the Rolling Stones but it does have a good ring to it.

Simply put, benefaction means to do good without expectation of anything in return.


Financial and legal professionals can play a unique role in this work. Because of the realities of the disease, advance planning is imperative for families. Often they have to plan before they’ve really accepted their situation or they have pushed off planning until they reach a crisis situation.

By learning about the disease and how to support people living with it, you can help families have a better experience of the journey. The Notary Foundation of BC has been steadfastly committed to supporting the Alzheimer Society of B.C. through legal education; we hope you will share that commitment in your own work.

For answers to your questions or concerns about dementia and to learn more about the support and education we provide, call the First Link® Dementia Helpline. 1-800-936-6033 www.alzheimerbc.org ▲

Maria Howard is CEO of the Alzheimer Society of B.C.

The Alzheimer Society of B.C. Support Services and Education

• Support groups for people in early stages of dementia and for caregivers
• Minds in Motion®, a social and fitness program
• Individual support
• Information and referrals to other community and health care services
• Dementia education workshops
• Regular newsletters and information sheets for people affected by dementia

This piece is a call-to-arms to those who have yet to contribute with donations or in kind.

If you can’t get no satisfaction, try some benefaction! ▲

Roy Cammack is a BC Notary practising in South Surrey/White Rock.

...I entered as a visitor and exited as a Director.

For me it all started when my friend invited me to a hospice meeting (I was unable to develop a good enough reason not to attend) where I entered as a visitor and exited as a Director. Since then, I have worked alongside many dedicated people that I would not have had the opportunity to meet without participating in the work of the organization.

Over the years I have had the pleasure to serve on several Boards: White Rock Hospice Society, Peace Arch Hospital (Planned Giving), White Rock/South Surrey Chamber of Commerce, Surrey Heritage Advisory Commission, The Society of Notaries Public, and the British Columbia Law Institute.

This piece is a call-to-arms to those who have yet to contribute with donations or in kind.

If you can’t get no satisfaction, try some benefaction! ▲

Roy Cammack is a BC Notary practising in South Surrey/White Rock.
WHEN HE ESTABLISHED VANCOUVER FOUNDATION, WHITFORD VAN DUSEN WAS ALREADY ADEPT AT ORCHESTRATING CHARITABLE GIVING ON A LARGE SCALE.

But he wanted more than to pass money from one hand to another. He wanted to stretch, grow, and deploy every dollar as widely as he could. What model might multiply the charitable impact of donors? Could he serve as more than a go-between for the good (often ebbing and flowing) intentions of donors?

A financially savvy lumber magnate, VanDusen had already been contemplating the idea of a permanent endowment. But when Alice MacKay, a retired secretary, made a $1000 bequest, the concept was cemented. MacKay had specified that her bequest be invested intact and that the income be used to support women in poverty. That is how the endowment model at Vancouver Foundation was struck: Two unlikely visionaries who shared the same goal of sustained giving to the community.

In 1944, interest rates hovered at around 3 per cent, leaving the Foundation with $30 for charitable action in MacKay’s name. VanDusen contemplated $30 from MacKay’s $1000.

• What if that $1000 were $101,000?
• And what if that $101,000 continued to grow?

VanDusen saw the potential of a base of funding that grows impact by growing itself. He added his own $10,000 to the pot and challenged a circle of influential peers to do the same.

By 1948, Vancouver Foundation held $101,000 in trust. The idea resonated with the community and an ever-increasing number of donors began establishing their legacies at Vancouver Foundation. By 1960, holdings of almost $3 million generated $219,000 in income that was granted to dozens of charities involved in all aspects of our community.
When charities have a steady stream of income, they can focus on what they do best—a constant and heartfelt contemplation of the people they serve and the ways they can best offer help.

By 1989, Vancouver Foundation’s total assets of $230 million funded 408 charitable efforts, making it the largest community foundation in Canada. Today, Vancouver Foundation’s assets have topped $1.2 billion. More important, it distributes upward of $50 million per year to thousands of charities across the province.

This is investing in perpetuity: Using financial savvy to give charities the gift of steady income to support their missions. In many cases, the amount of income a fund has generated and shared throughout the community has far surpassed the original capital of the fund itself. The Arthritis Society BC & Yukon Division, which established its first of four funds in 1951 with an initial contribution of $4000, has received over $2.5 million in distributed income, far exceeding the fund’s current capital value.

When charities have a steady stream of income, they can focus on what they do best—a constant and heartfelt contemplation of the people they serve and the ways they can best offer help. Thanks to MacKay’s particular bequest and VanDusen’s being so inspired by it, generations of caring people have been given the licence to envision and build a better community.

Kevin McCort is President and CEO of Vancouver Foundation.

Satisfying Philanthropic Options

Wealth management is about much more than money.

I believe true wealth is our ability to live the life we want, reach the goals we have envisioned for ourselves, our family, and our business, and create a legacy for the future that reflects our values.

Call it philanthropy or call it charitable giving, the way an individual gives and to whom can provoke intense personal feelings. The philanthropic discussion is a way to design a long-term strategy that may significantly reduce income taxes and estate taxes while making a positive impact on the organizations a client supports.

Research indicates Canadians are more concerned about feeling connected to the organization rather than getting a tax break. Most people want to give but they may have doubts that prevent them from giving confidently. Some may be concerned their donations or gifts won’t be used wisely and some may worry they may not have enough money for themselves. Having a financial plan can provide peace of mind.

Philanthropic activity often includes giving time. In some ways, getting personally involved and taking responsibility for positive outcomes is much more satisfying than writing a cheque.

Alexandra (Ali) Edgell, CIM, FCSI, is Vice President Portfolio Manager and Financial Planner at BMO Nesbitt Burns in Victoria.

The philanthropic discussion is a way to design a long-term strategy that may significantly reduce income and estate taxes while making a positive impact on the organizations a client supports.

BMO Wealth Management is the brand name for a business group consisting of Bank of Montreal and certain of its affiliates, including BMO Nesbitt Burns Inc., in providing wealth management products and services. BMO Nesbitt Burns Inc. is a wholly-owned subsidiary of Bank of Montreal. If you are already a client of BMO Nesbitt Burns, please contact your Investment Advisor for more information. Opinions are those of the author and may not reflect those of BMO Nesbitt Burns Inc. (“BMO NBI”). The information and opinions contained herein have been compiled from sources believed reliable but no representation or warranty, express or implied, is made as to their accuracy or completeness.
The date was November 4, 2015.

I was unceremoniously awakened at 5:15 AM by the incessant buzzing of my alarm clock. Ahead of me was a full day of client appointments book-ended by a couple of charitable events: An early morning Chamber of Commerce breakfast meeting at the Capri Hotel and Conference Centre and then, after work, evening drinks and appetizers at the Bottega Farm Inn and Studio.

The keynote speaker for the breakfast, sponsored by the Canadian Mental Health Association, was W. Brett Wilson of Dragon’s Den fame, a man known as much for his philanthropy as his business prowess. Brett spoke candidly about mental health issues and his daughter’s struggle with eating disorders.

The takeaway from his speech is that we all can benefit, whether personally or professionally, when we identify and help those close to us who have or who exhibit signs of mental health disease.

The evening event at the Bottega was sponsored by the “nonorganization” 100 Men Who Give a Damn (a misleading name because membership is actually over 300 men).

Soon after arriving I bumped into a friend and business contact who introduced me to the man standing beside him—none other than W. Brett Wilson! Brett was once again the keynote speaker, however his message to the large crowd of businessmen was much different than the previous one.

This time he suggested corporations, big or small, should view “giving and charity” as less of an obligation and more as a business opportunity. By implementing philanthropically motivated corporate strategies, businesses should and could attach growth opportunities to giving, effectively turning “Corporate Social Responsibility into a Corporate Social Opportunity.”

I heard the Dragon’s message loud and clear—giving and business go hand in hand. I decided that future giving by our firm would be done with purpose and inventiveness.

Implementation of win–win strategies became key; we now look for opportunities to build and enhance relationships when deciding where and to whom to give. We established initiatives involving staff, clients, referral sources, and others. Not only do we raise awareness for causes important to us, we provide an avenue for others to convince us their cause is one we should endorse.

A funny thing happened, though. Upon implementing those strategies, we found that instead of measuring our success on higher Corporate Profits, it became more important to assess the enhanced feeling of Corporate Wellness. For some reason giving without conditions just feels good. And we are just fine with that!


Charity and Giving: A Dragon’s Tale

Some Rothwell Notary Corporation Giving and Sponsorship Initiatives

In addition to giving a year-end bonus for staff, I ask each employee to provide the name of a charity to which we donate on that employee’s behalf. Beneficiaries to date include SPCA, Kelowna General Hospital Foundation, The Elizabeth Fry Society, Kelowna Women’s Shelter, Central Okanagan Hospice, Central Okanagan Food Bank, and The Salvation Army.

At Christmas we like to thank our referral sources and business contacts for all they have done for us during the year by way of a gift-card program offered through my daughters’ school. A portion of all proceeds from the purchase of the gift cards (for dinner, movies, or stores) goes to the Society of Saint Vincent de Paul to feed the homeless.

A portion of our fee for each real estate deal we complete is donated to charities as chosen by our clients—The Elizabeth Fry Society (empowerific.com) or CRIS (Community Recreational Initiatives Society) Adaptive Adventures (adaptiveadventures.ca).

Sponsorship of local sports teams and events includes 2018 BC Premier League Baseball Championships, Kelowna Chiefs Hockey Club, the Century 21 Charity Poker Tournament in support of Easter Seals, and West Kelowna Minor Hockey (including 25 pucks donated to each minor hockey team in West Kelowna).

Brendon Rothwell is a BC Notary practising in Kelowna.
CHICAGO TITLE gives back
It remains a pox on our houses that we have hundreds of young people on our streets at night, fleeing violence and abuse and flung into exploitation and addiction.

We are too wealthy and sophisticated to abide this, aren’t we? Well, we aren’t.

To me, in privilege and advantage long after any early-life struggle, the moral choice is clear: Do something about it or help someone do something about it.

Three times now I’ve spent a night on the streets, not so much to gain a clear sense of that grave life—because it is the smallest possible taste of it—but to raise money to pull as many out of this horror story and into hopefulness.

It is a step and only that, but I’ve aligned myself with Covenant House, the internationally respected organization that brings youth into warm confines, clothes, and counselling—what it calls a continuum of care to provide new options for employment and housing that might just turn around someone’s fate.

Every year Covenant House holds what it calls an Executive Sleep-Out. About 50 of us get a sleeping bag and a layer of cardboard and hold forth in the elements until the morning. Preceding that, we hear from a handful of the children—and they are children still—who are wrenching themselves from the wrong clutches through the Crisis Program of Covenant House.

The clutches are crazy: 70 per cent of the young people have left violent households, half have suffered physical or sexual abuse, half have contended with drugs and alcohol, one third of the young women have escaped the sex trade. In our city.

You have to think as they sit in front of you, that could have been me. I have known hunger as a child, but not its depravation. I have known trauma, but not its violence or abuse. I have strayed, but not into addiction.

It defies logic that with our knowledge and resources, in a city of expensive pre-sales and supercars, we have not applied the wherewithal to effectively smite the scandalous presence of economic and emotional poverty in our midst.

And so we slept outside, under the open sky. This year’s event was eased by the disappearance of days-long rain minutes before we went out to the parking lot for the night.

You wake up with a sore hip, even a sore back. If you want a true taste of homelessness, one young person told me, wake up to no shoes—then see what you can and can’t do.

What I can’t imagine is that the night that jarred the Sleep-Out participants’ biorhythms would be considered the most peaceable part of a day as a full-time resident of the streets. It was noisy, smelly, fraught with uncertainty and improvisation to get through it; I can’t fathom what happens to our core when street life intersects with the factors that drove someone there.

We raised $1.2 million that night, but we will need millions more, again and again and again. Next year, or even sooner, I hope you will help.

Kirk LaPointe is Editor-in-Chief of Business in Vancouver.
Services a BC Notary Can Provide

Notarization/Documents
- Affidavits for All Documents required at a Public Registry within BC
- Certified True Copies of Documents
- Execution/Authentication of International Documents
- Notarizations/Attestations of Signatures
- Personal Property Security Agreements
- Statutory Declarations

Personal Planning
- Estate Planning
- Health Care Declarations
- Powers of Attorney
- Representation Agreements
- Wills Preparation
- Wills Searches

Travel
- Authorization of Minor Child Travel
- Letters of Invitation for Foreign Travel
- Passport Application Documentation
- Proof of Identity for Travel Purposes

Business
- Business Purchase/Sale
- Commercial Leases and Assignment of Leases
- Contracts and Agreements

Property Matters
- Easements and Rights of Way
- Insurance Loss Declarations
- Manufactured Home Transfers
- Mortgage Refinancing Documentation
- Purchaser’s Side of Foreclosures
- Refinancing
- Residential and Commercial Real Estate Transfers
- Restrictive Covenants and Builder’s Liens
- Subdivisions and Statutory Building Schemes
- Zoning Applications

Marine
- Marine Bills of Sale and Mortgages
- Marine Protestations

Some BC Notaries provide these services.
- Marriage Licences
- Mediation
- Real Estate Disclosure Statements

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Wills and Personal Planning!

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Volunteering Vignettes

Margot Rutherford, BC Notary in Courtenay

As Treasurer for Soroptimist Foundation of Canada, I am working hard to keep our records in good standing! I receive donations and issue Canadian tax-deductible receipts.

With the funds donated to Soroptimist Foundation of Canada by dedicated contributors, we issue four large grants each year to women across Canada who are students in Masters and PhD programs studying in areas that will benefit women and girls. We also award grants to Soroptimist Clubs in Canada that require financial aid to host “Dream It, Be It” events for secondary students to learn about careers that would be interesting to them. Many guest speakers talk to the girls about their own careers and how they ended up in their fields. The possibilities are endless!

I’m on the Board of Directors with four other like-minded women who are passionate about a Canadian charitable organization that helps women and girls as well as our individual Canadian Soroptimist Clubs. I have 4 years to learn and enjoy this position before I pass the torch to a new Treasurer!

Kurt Meyer, BC Notary in Port Alberni

I volunteer my time serving as President of the Alberni Valley Crime Stoppers Society (AVCS). The aim of the Society is to make the community a safer place to live, benefitting all Port Alberni residents. The AVCS Board is represented by all segments of the community, from insurance brokers to First Nations members to retired RCMP officers. The efforts of AVCS were recognized last year when the Society received a donation of $7000 from the annual Port Alberni Charity Golf Classic.

Susan Tong, BC Notary in Vancouver

Although time-consuming, volunteering has provided me with fun memories and a fulfilling sense of involvement and compassion. Beside meeting many people I now call friends, it has broadened my network and surrounded me with a stronger community.

As a Chinese Advisory Committee member and Ambassador of the Alzheimer Society of B.C. (ASofBC), I reach out to my connections in the community to increase awareness of Alzheimer’s disease, promote the support and services available to dementia patients and their families, and raise funds for ASofBC. The Advisory Committee is scheduled to meet quarterly but lately has met much more frequently due to various fundraising opportunities. Some of our planned annual events include Breakfast to Remember and Investor’s Group Walk for Alzheimer’s. At the recent Charity Dinner for Alzheimer’s, held November 3, 2018, over $100,000 was raised by the Committee members.

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Photo: Wendy Wong, Alzheimer’s Society

The Society of Notaries Public of British Columbia Volume 27 Number 4 Winter 2018
Grant Sauer, BC Notary in Vancouver and Langley

BC 4-H is where I volunteer as an “A” Leader and a District Secretary. The 4-H program provides young people with an opportunity to learn how to become productive, self-assured adults who can make their community and country a good place to live. That goal is fostered through project and program work, experiences with other 4-H club members and leaders, and participation in district, regional, and even provincial programs.

Dedicated to young people ages 6 to 21, the 4-H organization prepares girls and boys for their future as adult citizens. The 4-H motto is, “Learn to do by Doing.” The 4-H pledge describes the significance of the four Hs.

I pledge: My HEAD to clearer thinking, My HEART to greater loyalty, My HANDS to larger service, and My HEALTH to better living, for my Club, my Community, and My Country.

Amy Badesha, BC Notary in Abbotsford

We believe in giving back to our community in a tangible and practical way by supporting community events, galas, and sports groups.

For example, as passionate lifelong learners, we support students from our local high school as well as the University of the Fraser Valley’s legal and criminology programs by offering them an opportunity to gain experience in our Notary office.

With that in mind, in our pursuit of community service and the desire to be involved, I became a member with the Abbotsford Rotary Club where I enjoy working with like-minded individuals to promote Abbotsford on a local and global scale.

Additionally, we are proud to sponsor Canuck Place that helps support children living with life-threatening illnesses and their families. We have sponsored and participated with the Starfish Pack program that provides nourishment to children and we volunteer with Operation Red Nose. Volunteering provides us with unique opportunities that allow us to make a difference.

I have been the leader of the Langley Beef and Swine Club for 6 years. This past year we had nine members raise 10 steers and 6 hogs. The members raise their animals, feeding and cleaning them for shows. Members keep a record for each animal and are able to track food intake and costs.

They show their animals at local fairs like the Maple Ridge Fair and the PNE. Our members placed very well at the PNE this year, winning Grand and Reserve Carcass hog and Champion Intermediate and Senior Reserve hog showman. Our members placed third and sixth in carcass steers.

Members also participate in public speaking and demonstration competitions. The 4-H program develops the whole person, enabling members to develop life skills and skills employers desire. Participation offers many travel opportunities. My children and members have been able to go on exchanges to Eastern Canada, Africa, Asia, and Latin America.

As a leader and parent, I believe 4-H impacts members in many positive ways. Members understand where our food originates and learn to respect and value the work required to put food on the table. The program includes a sundry of projects; a member is not limited if he or she does not have property to raise an animal.

www.bc4h.bc.ca
One of my life’s principles is “treating my neighbours as I’d like to be treated.” For me, volunteering is not just about doing something that would make me feel better about myself. Volunteering is an extension of who I am. It is important that we are charitable people every day of our lives and in every circumstance, including the way we treat our clients, employees, neighbours, and family.

Phyllis Simon, BC Notary in Vernon

I am President of Pioneer Place Society that owns and operates a 24-unit affordable seniors housing complex in Enderby. We provide well-maintained housing so our seniors can age within their community.

I have also been a Board Member of Turning Points Collaborative Society (formerly John Howard Society) for 18 years. The programs and work have changed and expanded. Currently, 70 staff operate a variety of programs and housing operations to provide safe and supported housing that meets the needs of people who are homeless, at risk of being homeless, or who are marginally housed. Our vision is “Building community; strengthening people.” Those positions provide me with purposeful living. Governance is a skill set well suited to a BC Notary.

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Steve Woo,
BC Notary in Vancouver

I have been a member since 1994 of St. John Ambulance (SJA), a not-for-profit organization that provides first aid training and community services to our local communities. St. John Brigade was formed in 1887 but their history dates back to the 11th century in Jerusalem where the first Knights of St. John set up a hospital to care for sick pilgrims.

Starting out in the Brigade at 389C in Burnaby division as a crusader, I was promoted to Divisional Superintendent, then transferred to 776C – Vancouver, eventually leading the division as Superintendent for several years thereafter. With my senior role with the SJA Lower Mainland Cadet Corps, I was assigned to 640C – North Shore during the rebuilding of the cadet program there. On April 2018, I was appointed Cadet Commissioner for BC to oversee 18 youth divisions totalling 1300 members, from Comox to Vernon. With my Provincial Cadet Team, I oversee the Leadership Development, Special Events, Program Content, and Awards Recognition for those volunteers.

Judi Piccolo,
BC Notary in Langley

While I was working and raising my two sons, I became a Cub Leader and had wonderful times taking more than 40 boys camping and teaching them various outdoor skills.

The rewarding thing about donating your time to Cubs and coaching (baseball and soccer) is seeing the growth of the kids on the team and experiencing their budding confidence and humour. Those young people put their whole heart into their efforts. If you are not there to experience it, you miss so much in life.

It’s a fine feeling when your sons’ friends can come to you with their problems and you can help them. One of those boys asked me to meet with his parents because they were going to break up and he thought I might be able to help keep them together. Well, I did meet with them and we had a pretty intense and emotional meeting. To this day, that couple is still together.

One of my favourite stories while I was Secretary of the Langley Rotary Club is the call I received at my office to ask for assistance; an elementary school principal in Langley was requesting funds for children in the school who might be interested in swimming lessons and couldn’t afford them. Our Rotary Club raised enough money to pay for a great percentage of the students to take the swimming lessons. We did not think all the pupils in the school would be interested.

The principal was absolutely astounded by the response from the students. Fully 100% of the students in the school signed up for swimming lessons! More money was requested and our Club was able to assist. All the students took the classes and they all passed the swimming course. How great was that!

It was very gratifying for all concerned when our Rotary Club raised enough money to replace a door at the Langley Lodge with a larger door that permitted the passage of wheelchairs.

It was very gratifying for all concerned when our Rotary Club raised enough money to replace a door at the Langley Lodge with a larger door that permitted the passage of wheelchairs. Before then, most of the residents had not been able to access the lovely outdoor garden at the Lodge. The response was amazing . . . you should have seen the smiles on their faces! Now they have the pleasure of enjoying the fresh air, flowers, and trees!

Our Rotary Club also raised money for scholarships for high school grads who might not otherwise have been able to afford university tuition.

It is so fulfilling to be able to enhance someone’s life through donating some of your time. The reward is not just a personal achievement; it is the growth and enrichment you are able to give others . . . and the enjoyment of sharing their accomplishments.
Most of us have participated in a local charity event or visited a nonprofit facility.

If you visited the Turtle Valley Donkey Refuge in Chase, BC, you hugged and petted several of our donkeys and mules. The fact that they were willing to interact with you pays homage to the commitment and patient care of the “volunteer” humans who love and respect them.

In their earlier lives, many of our donkeys have suffered at the hands of humans. A visit to the Refuge gives you an opportunity to experience the joy of being part of a story of love and commitment to donkeys, in a beautiful and appropriate setting.

Volunteers Rock!!!

Behind our serene setting and the friendly, well-cared-for donkeys who have been given a second chance at a safe, healthy, and loving permanent home is a dedicated team of volunteers such as the person who greeted you and the lucky individuals in the paddocks, brushing and hugging donkeys.

Many of the beautiful items in the Donkey Shoppe were made and donated by volunteers. If you were here for a special event such as the Annual Pancake Breakfast each September, you were greeted, guided, fed, and entertained by volunteers.

All the individuals on our management team are full-time volunteers. During the summer, a team of special needs adults donates time once a week to dust rails in the barns and care for our gardens and flower planters. We are most definitely volunteer-powered!

Doing a Good Thing Requires Ongoing Financial Support

What you do not see is the large-animal veterinarian who has been called in to care for a sick or injured donkey. And the farrier who comes...
every week to trim 10 sets of hooves and provide relief for chronic hoof pain. And the equine dentist who attends for regular annual dental care or an emergency issue.

Before you arrived in the morning, a small team of hardworking barn staff members cleaned the barns and paddocks, replenished the shavings, performed minor repairs as needed, and moved hay. The animal healthcare staff member did the herd health-checks, cleaned hooves and eyes and ears, rewrapped abscesses, and treated skin issues and minor injuries. She prepared and shared the special feed required for donkeys who are ill or cannot chew hay properly due to age or missing teeth. She gave the donkeys their breakfast of hay, let them into the pasture for a romp, and herded them back into their paddocks.

Our donkey family consumes over 10 large square bales of the mandatory good-quality grass hay (no grains or alfalfa) each day. Typical farm expenses include utilities, property taxes, insurance, property and equipment maintenance, and repairs.

On their behalf, our Volunteer Management Team works tirelessly to be sure we have the funds to cover current expenditures and funds that will sustain us far into the future. We appreciate the support we receive from visitors to our facility, our website, and our Facebook page.

About 80% of our funds come from caring, generous donors who share our commitment to make the world a better place by advocating and providing the funds to care for these glorious beasts of burden who have been abused, misused, and misrepresented throughout history.

In dollar terms, our current budget is $350,000 of which $280,000 must come from charitable giving. Capital projects such as a second well to provide irrigation to our pastures and reduce hay costs are funded through Special Campaigns. We provide charitable tax receipts for all financial and in-kind donations and stay in touch with our donors via semi-annual printed newsletters and our monthly eBRAY online newsletter.

We have been blessed to receive a growing number of planned giving annual or one-time donations through endowments and as beneficiaries in Wills and estate planning. We have received transfers of publicly traded securities that have resulted in significant tax savings for our donors. Those amazing folks are creating their legacy and making sure their chosen causes receive their continued support. Their generosity ensures we will be able to continue our mission well into the future.

We are grateful for our volunteers and to those who have included us in their charitable giving commitment. We work hard to meet and beat their expectations by providing our rescued donkeys with the love and care they have rightfully earned through centuries of service to mankind. To know a donkey is to love a donkey! Our 2019 calendar is ready.

As we always say, hug a donkey. It will make your heart happy! ▲

Chris Harris is a volunteer and Board member at Turtle Valley Donkey Refuge.

**Planned Giving Ensures Our Future**

Our youngest donkey is sweet miniature Steve, only 2 years old. This healthy young fellow could live to be 50. Even if we closed our doors to new rescues—which we could not and would not do, our charity must continue for another 48 years to give Steve the safe and healthy forever home we promised him when he arrived into our care.
Help for Babies
Born too Soon, too Small, and too Sick

Olympic gold medalist and three-time world curling champion Sandra Schmirler passed away March 2, 2000, leaving behind her baby girls, ages 2 years and 7 months.

To celebrate the legacy of this true Canadian hero, the Sandra Schmirler Foundation was created in 2001, a living legacy in honour of this amazing woman who touched the hearts of so many Canadians from coast to coast to coast. Sandra reached out to her country and made us understand what really matters in life. Her name lives on, in perpetuity, through her Foundation.

We are the only charity in Canada dedicated to raising funds for the purchase of lifesaving equipment for hospital Newborn Intensive Care Units (NICUs).

Government funds bricks and mortar but not expensive, state-of-the-art equipment in NICUs. The Sandra Schmirler Foundation has raised over $4.2 million to fund that equipment in over 50 hospital NICUs in every province and the territories. As a result, families do not need to travel miles away to find a hospital that has the specialized equipment to ensure their newborn babies survive and thrive.

With the help of the Sandra Schmirler Foundation, thousands of babies’ lives have been saved. The need continues to grow as more and more babies are being born premature and critically ill every year.
While looking after your own family must always be the priority, you may also leave a gift in your Will for a charity you care about and a cause that resonates with you. Including a charity in your Will brings meaning and purpose to a life well lived.

Our doctor told us “something was missing” in our baby’s heart. As soon as Cooper was born, the NICU team members jumped into action, ensuring he would be able to survive without immediate surgery. Before he was 3 months old, he had successful open heart surgery. He will continue to be monitored his entire life but, thanks to this surgery and the incredible care he received, he should be able to live a long and healthy one.

Cori Morris, Olympic Silver Medalist

Robin Wilson is Executive Director of the Sandra Schmirler Foundation.

Change cancer forever.
Leave a gift in your Will.

A gift in your Will is a gift for the future. By funding research you can make a difference in people’s lives and help to eradicate cancer for our children and grandchildren.

Canadian Cancer Society, BC & Yukon
565 West 10th Avenue
Vancouver BC V5Z 4J4

Janice Williams, CFRE
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cancer.ca

Charitable Registration Number: 118829803 RR0001
On April 22, 2018, I was having dinner with friends in Lahaina, Maui, at Fleetwood’s, owned by Mick Fleetwood of Fleetwood Mac. On top of excellent food on a spectacular patio, the music was phenomenal.

The conversation turned to politics. My friend is neighbour to the former Chief Administrative Officer George Harvie in Delta, who was expected to run for the position of Mayor of the City of Delta in the fall election. I have known George professionally for a few years and have always admired his work ethic and love for the place I have called home for 45 years.

My friend and I spent the better part of the evening talking about what George’s campaign might look like. I recall saying that although I was interested in public service, I was not yet ready to embark on such a mission. After dinner, we went downstairs where the band was playing and enjoyed the music until the restaurant closed. It was a great evening.

At 8 AM Sunday morning, April 29, George Harvie called, wanting to meet with me about joining his campaign. I was stunned.

Three days later, George told me about his campaign plans and platform and all the great people he had assembled to run with him. When he asked if I was interested in joining the team, I said I wasn’t prepared to run for a council position. Council was not what he had in mind. . . . George asked me to run for school board trustee.

I requested a couple of days to do some research. After some serious soul-searching, I agreed to join his team and campaign for the position of a school board trustee for the 37th School District of Delta.

Our team did a lot of door knocking and the residents of Delta shared many thoughts, feelings, and even emotions with us.

From the beginning, I felt my chances of getting elected were low. Incumbents are not often defeated in school board elections. Seventeen people were running for 7 seats and 6 were incumbents.

My friend Ian Paton, MLA for Delta South, gave me some sound advice. He said if you want to win a campaign, all you need to do is have a meaningful discussion about yourself and your campaign platform with every single registered voter in Delta and you will be well on your way to securing their vote.

What he was really saying was get out there and knock on doors. Knock on a hundred and a hundred more until your legs ache and your voice starts to crack. Then do it again the next day. That strategy worked for Ian; he had won the MLA seat quite comfortably. All his door-knocking made the difference so off I went!

We had 4 weeks to get our story across. Our team did a lot of door-knocking and the residents of Delta shared many thoughts, feelings, and even emotions with us. We took time to listen. It was one of the most amazing experiences of my life. I engaged with my community as never before. I met many wonderful people and we shared many stories.

Striding into Public Service
By election day, we had knocked on thousands of doors. We had worked hard; it was up to the electorate now. Had our message resonated? Did we meet enough people? Did we listen enough?

Advance poll results were released first and I was sitting third of the 17 candidates. The mood in the room got better and better as each poll result was posted. It was a night I will never forget.

By the end of the evening, a total of 8 individuals on our 11-person team were elected—3 members of our team of 4 are on the school board and we won the majority of the seats on City Council, with George Harvie as Mayor. The voters made a positive connection with us and gave us our mandate. It was a very humbling moment.

I have just begun 4 years of public service. The responsibility of ensuring that the children of Delta get the best possible education has been put on our shoulders as school trustees. I am confident Delta elected outstanding people overall to serve the next term.

You never know what the future may hold. Dinner with a friend in April morphed into public office in October. Embrace every opportunity that comes your way. Life is a journey—enjoy the ride! ▲

Daniel Boisvert is a BC Notary practising in Delta. He is also President of the BC Notaries Association.
Making a Difference by Working Together

“Home is the starting place of love, hope, and dreams.”

Unknown

But for many less fortunate living in our communities, those words are lost.

As REALTORS®, we spend our days (and often nights) helping clients purchase and sell properties that create warmth, security, safety, and happiness, from first-time homeowners to empty-nesters and everyone in between.

But there is another world . . . homelessness . . . a world that can come from any family status. It can start from the loss of a job or marriage, depression, mental issues, or alcohol or drug addiction.

Without a home, necessities like warm winter clothing, blankets and sleeping bags are not accessible.

In 1994, REALTORS® Don MacKay, Dick Coates, Frank Hannig, and Stephen Crawford were on the Downtown Eastside of Vancouver when they saw a need. They knew they could help those living outside in the cold and rain by rallying colleagues to collect blankets for the homeless. And thus began the REALTORS Care® Blanket Drive, now the largest, longest-running blanket drive in the region. Last year was our 24th year.

Each year, REALTOR® volunteers gather and distribute donations to charities from Squamish to Hope. Over the years, more than 345,975 people in need throughout the Lower Mainland have been given blankets and warm clothing. More than 100 real estate offices act as drop-off locations for donations.

Over the years, more than 345,975 people in need throughout the Lower Mainland have been given blankets and warm clothing

I was a REALTOR® for only 6 months when my receptionist asked if I wanted to coordinate something called the REALTORS Care® Blanket Drive and I agreed. Now going into my 12th year as coordinator for North Shore real estate offices, I look back and am proud of how it has grown . . . not just the number of donations of warm winter clothing, new socks and underwear, coats, hats, blankets, and sleeping bags but in the awareness that has spread about the Blanket Drive and the people it helps.

Throughout the years, I have tried to think of ways to expand the awareness and support to create more donations. On the North Shore, we set up drop-off locations during the week-long Blanket Drive. We have wonderful REALTORS® who volunteer their time in Capilano Mall, Lynn Valley Centre, and Park Royal Mall collecting donations and giving information to the residents of our neighbourhoods. It is a fantastic way to give back to our communities and show we care—and it feels great!

We also have a pizza “sorting party,” started as a way to get other REALTORS® from my office to help empty bags and sort them into the various categories ready for delivery. The pizza is now sponsored by Gibbard Group Financial and we have door prizes, as well. Many different North Shore real estate offices participate, as well as their family members.
Every area of the Lower Mainland chooses different recipient organizations. On the North Shore, we donate to the Harvest Project and the Lookout Society, then we go to Covenant House, RainCity Housing, Yukon Housing, and the Vancouver Police Department (blankets and sleeping bags for the Downtown Eastside). The sorting party has grown so much, we now hold it at Ferguson Moving and Storage owned by Lorne and Celeste MacInnes, who also help in the delivery of the donations and have done so for many years. They have been a huge help!

A lot of REALTORS® look forward to this event as it is such a great cause. Delivering the donations to the shelters is an eye-opening and emotional experience. It is amazing what one bag of clothing and blankets can do for someone. Most people don’t realize how much of a difference the donations can make and the impact they create for the recipients’ feeling of security and the knowledge that someone cares. They are truly happy and grateful.

REALTORS® have different organizations that we hold dear as a result of being affected by some event within our family-and-friends circles. The charities to which we tend to donate usually come from those experiences. We do care about people . . . we are in a people business and it is only right that we give where we can. In our recent record-breaking year, we collected enough donations on the North Shore to help more than 5000 people in need.

The REALTORS Care® Blanket Drive is more than a blanket and clothing drive; it is a time of year when we reach out to our communities and invest time (and the effort of cleaning out our closets!) while giving the gift of hope and creating some warmth for those less fortunate. We can only hope that doing this every year helps people have faith that things can get better.

For further information please visit www.blanketdrive.ca. Greater Vancouver REALTORS® have initiated successful programs such as REALTORS Care®, the REALTORS Care® Blanket Drive, and the REALTORS Care® Shelter Drive. Some of those programs have been adopted by other Real Estate Boards in BC and across the country.

Michele De Fehr is a REALTOR® with Sotheby’s International Realty Canada.

“"We joined the Legacy Circle and included Variety in our will with an estate gift so our legacy can live on through improving the lives of children just like Olivia. There is no greater gift than childhood.”

-BOB & BARBARA STEWART

Want to learn how to leave a gift in your estate to Variety?

Contact Jennifer at 604.268.4038 or jennifer.shang@variety.bc.ca or visit variety.bc.ca

Michele De Fehr and Tazmeen Woodall at Park Royal drop-off

Office Coordinators Johanna Osato, Sarah Dennis, Donald Watson, Elizabeth Dyer, Shelley Williams, and Jennie Frizzo with North Shore Coordinator Michele De Fehr
Have you counted the many different chapters you’ve achieved in your life—ever considered all the names or titles you’ve been to others and yourself?

Accepting such changes in your personal perspective can be quite positive, life-affirming even.

Recently I contacted an old friend from the 1990s and talked of family changes and high points of the past decade. He told me of life in Nova Scotia and his work involved with charities, cooperatives, and Indigenous law.

I told him about going back to college, my joinery and other recently acquired trade certificates from North Island College, the wood sculptures, and recent exhibits and sales of my abstract river otters.

“You’ve always been an artist,” he said looking at images I sent from the OneTree Exhibit at the Robert Bateman Gallery in Victoria earlier this year.

“I told him about getting a congratulatory letter from the Victoria Foundation regarding the 10-year milestone of creating and providing grants through The Elders and Youth Tribal Governance Fund that they administer for me.

“It’s nice to see you’ve institutionalized your generosity as a philanthropist,” my friend said. I had never really thought of myself as an artist or a philanthropist until my respected friend pointed to those designations. Both functions seem to have recently materialized in my life and I like them.

Effecting Change
We talked about small steps that individuals can take to improve the world, in Canada’s case individual action toward reconciliation with its Indigenous people . . . how we can wish for greater change but we can only do what we can within existing systems. That takes time and political and personal will.

My own story is pretty simple.

A decade ago, in 2007 to 2011, I was working in international development in postconflict environments. The danger pay was good and I had money to invest in developing a small fund to help Indigenous people back home in BC and assist in humanitarian efforts here.

Victoria Foundation CEO Sandra Richardson explained how to easily create a fund and how donor advised grants were an option for me to consider. With that community foundation, I discussed the positive tax benefits, the way the fund grew in its established structure, the ongoing management of the fund, and specific rules and regulations of grant disbursement.

Most community foundations can help set up funds that are donor advised or that provide many other options that connect the generosity of donors to positively impact people, neighbourhoods, and communities.

The Vancouver Foundation, established in 1943, and the Victoria Foundation, established in 1936, have been working for decades with individuals, corporations, and charitable agencies to create endowment funds whereby the original capital is endowed so it generates income in perpetuity. In that way the annual income generated by investment can and does support thousands of charities over time.

Shortly after that conversation, I founded The Elders and Youth Tribal Governance Fund with an initial contribution of only $5000 to provide small community grants to promote and preserve Indigenous cultural practices generally in four areas.

• Services for the Elderly
• Traditional Sports
• Arts and Crafts
• Teaching of First Nations Governance
In the past decade, from donations and good investment management, the fund is valued at $30,000 and can sustain a few grants a year. Small steps, perhaps, but very helpful to most recipients—Elders, students, and artists—who don’t have mainstream paychecks.

For instance, in the past 3 years, a $600 student bursary to support Indigenous women graduating from the joinery/cabinetmaking program at North Island College has been initiated and appreciated.

As well, through an ongoing grant to the Victoria Disabilities Network, Elders from a Saanich Peninsula First Nation have had financial travel and accommodation support to attend the annual Elders Gathering. In some cases, those grants have made a material, even spiritual difference for individuals in being able to see distant family and friends.

In the past 2 years, small grants helped sponsor the 2017 and 2018 Carving on the Edge Festivals in Tofino where many First Nations artists and Indigenous carvers offer workshop demonstrations to all who attend.

**Sharing with Others**

As we move toward retirement, there are many options for staying gainfully active and generous in giving. Some of my friends reflect on a lifetime of service as opposed to chasing entrepreneurial success. There is merit in all approaches.

Wealthy capitalists have pointed out to me that their financial success allows them to “give more” in later life and there is truth in that. Friends engaged in cooperative, sharing, community, and volunteer activities see a consistent life of nonmonetary giving that also benefits “others.”

Today, as an “artist” I’m moderately successful selling carved abstract river otters in the Robert Bateman Gallery Gift Shop in Victoria, the Shaw Centre for the Salish Sea in Sidney, and some community markets during the year—most recently in Tofino and Saanich.

With those sales I am able to donate to the fund, furthering my philanthropy to directly support causes that matter to me.

As our life chapters evolve, we face many options. Art as an expression . . . the application of human creativity in itself presents its own rewards as it heals and inspires. Art can also often generate revenue, multiplying its positive effect through other good work in grants.

Philanthropy is always a great choice to support worthy causes in ways that help, to do good and further the general welfare of others.

As your life chapters change, seek counsel for the best advice. If you need good advice for helping others, contact an organization in your community. ▲

**Nigel Atkin** teaches the Evolution of Public Relations course online at the University of Victoria.
The act of donating money or property has been a practice since the ancient times of the Greeks and the Romans.

In those days the Romans used the term *magnum facere*, doing something great, although the act of giving was not targeted at the needs of the poor but was meant to benefit the public as a whole. The people donating their money for the benefit of the public would receive recognition in the form of political loyalty.

In our days, the purpose of charitable giving is to support causes, principle, and values in which the donors believe. In recognition of the impact these donations make to the community, governments provide income tax credits to encourage giving by taxpayers.

If a gift of money or other property is made to certain organizations, the gift may qualify for a federal and provincial tax credit. The gift must meet certain criteria to qualify for the income tax credits.

- There must be a voluntary transfer of property with no expectation of benefit or consideration.
- The property must vest with the recipient.
- The transfer must be irrevocable.
- The recipient must receive full ownership and possession of the property transferred.

If the gift meets all the criteria listed, the recipient will issue a charitable tax receipt and the individual donor will receive a nonrefundable federal and provincial tax credit of 20.06% on the first $200 and 45.80% on the balance.

The tax consequences of the gift depend on the type of property gifted and who is the recipient.

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### Gifts to Registered Charities and Other Qualified Donees

Qualified donees include registered Canadian amateur athletic associations, national arts service organizations, municipalities, housing corporations, United Nations and its agencies, and some universities outside Canada.

- In a single year, the maximum amount of charitable donations the donor can claim cannot be higher than 75% of the net income, but any unclaimed amounts can be carried forward for up to 5 years.

### Gifts of Ecologically Sensitive Land

The Minister of Environment and Climate Change Canada (ECCC) has to certify that the land is important to the preservation of Canada's environmental heritage and will determine the market value of the gift. The claim for a gift of ecologically sensitive land is not limited to a percentage of net income; any unclaimed amounts can be carried forward for up to 10 years.

### Gifts of Certified Cultural Property

Cultural property that is of outstanding significance and national importance can be donated to Canadian institutions and public authorities that have been designated by the Minister of Canadian Heritage. The market value of the property is determined by the Canadian Cultural Property Export Review Board.

The claim for a gift of certified cultural property is not limited to a percentage of net income. No tax is payable if a gain is realized on the transfer of the property to a designated institution or a public authority.

### Gifts of a Share, Debt Obligation Listed on a Designated Stock Exchange, Shares or Units of Mutual Fund Corporation, and Mutual Fund Trust

If those properties are donated to a registered charity and have realized a capital gain on the transfer, the donor will not be subject to tax on the capital gain. It is more attractive and more tax efficient to gift shares directly instead of the cash from the sale of the shares. The market value of the securities donated is the value of the charitable donation.

For example, shares with a cost of $10,000 and a market value of $100,000 will realize a capital gain of $90,000 and an eligible donation of $100,000.
• The donor will receive a nonrefundable tax credit of 45.80% of the eligible donation and will pay no tax on the $90,000 capital gain.

• The donation will be subject to the 75% of net income limitation. To claim the full donation, the donor needs to have net income of approximately $133,333.

• On the other hand, if the donor sold the shares and donated the proceeds, the donor would receive a charitable-donation tax receipt of $100,000 but would have to pay tax on the capital gain of $90,000. In BC the highest marginal rate on capital gains is 24.90%.

5. Gifts to US Charities
Gifts to US Charities allowed by the US tax authority are limited to 75 per cent of the net US income reported on the Canadian income tax return. The limitation is raised to 75 per cent of the net worldwide income if the donor lives near the border in Canada and commutes to the principal workplace or business in the United States and that employment or business is the main source of income for the year.

6. Gifts in the Year of Death
• A gift made in the year of death is not subject to the 75% net income limitation. If the donation tax credit cannot be used in the year of death, it can be carried back to the previous taxation year.

For deaths that occur after 2015, estate donations (donations by Will) are no longer considered donations made by the individual immediately before the individual’s death. Instead those donations are deemed to be donations of the estate. The estate may allocate those donations among any of the following:

• The taxation year of the estate in which the donation is made

• An earlier taxation year of the estate

• The last 2 taxation years of the deceased individual

7. Gifts In Kind
A gift in kind is a gift of tangible property instead of cash, such as securities, real estate, certified cultural property, and ecologically sensitive land.

Unless the type of property transferred is subject to special rules as we have seen earlier, the general rule is that the transfer triggers a deemed disposition and the donor must report the capital gain or loss realized. The deemed disposition is deemed to occur at the market value of the property. The market value will be the amount of the charitable donation.

Contributions of services are not considered property and therefore the gift is not eligible for the charity tax credit; the charity cannot issue a tax receipt for services received free of charge. But if the charity pays for the service and the service provider returns the payment to the charity as a gift, this gift qualifies as a charitable donation.

Life Insurance Policy
Another form of donation is to donate an insurance policy on the donor’s life.

If an existing policy is donated, the donor will receive a donation receipt for the cash-surrender value and any accumulated dividends or interest, less outstanding policy loans.

The transfer of the policy is considered a disposition and may trigger a capital gain calculated as the difference between the surrender value and the cost of the plan.

The donor will also receive a donation credit in future years for any premiums paid to keep the policy.

The donor can buy a new policy and designate the charity as the beneficiary but retain ownership of the policy. In that case, the donor is not allowed to receive a donation credit on the premiums paid but will receive a full donation credit based on the

dearth benefit received by the charity. This credit can be claimed in the year of death’s tax return.

If the policy is owned by the individual, the beneficiary can be changed in the future. If the policy is owned by the charity, there is no such flexibility.

RRSP/RRIF
An individual can designate a charity as the beneficiary of the RRSP/RRIF and qualify for the donation credit. To qualify, the transfer of the RRSP/RRIF should occur no later than 36 months after the individual’s death. At time of death, the full value of the RRSP/RRIF is included in income but, if the charity is the beneficiary, a charitable donation equal to the value of the RRSP/RRIF is received. That will potentially offset most of the taxes due on the value of the RRSP/RRIF.

Charitable Donations Made by a Corporation
The rules mentioned earlier apply also to donations made by a corporation. The only difference is that a corporation cannot claim a nonrefundable tax credit, but the donation is deducted as an expense from its income.

The donation deduction is limited to 75 per cent of the corporation’s net income. The donation cannot be claimed to increase a loss but any unused amount can be carried forward and used in any of the 5 subsequent years.

Gifts Out of Inventory
In the event a corporation donates property from its inventory, the charity can issue a charitable tax receipt equal to the fair market value of the inventory. The business can deduct the cost of the inventory but will add the fair market value of the item donated to its income and then claim the charitable tax deduction.

Please consult a financial professional to discuss your specific situation.

Andréa Agnoloni, CPA, CGA, Notary Public, is a Principal with EPR North Vancouver, an Independent Canadian Member of AGN International.
We know that without meaningful intervention, 60 per cent of children who have had a parent in prison will become involved in crime themselves.

Moreover, those children often grow up in poverty with developmental, emotional, and behavioural challenges.

The children’s programs of the Elizabeth Fry Society of Greater Vancouver (EFry) break the cycle and provide the best chance for the children to grow and prepare for the future.

“Growing Great Kids” is a unique, curriculum-based, one-on-one support system for women and their children, up to age 3. Through the program, they work with a support worker to

• develop secure attachment between mom and baby,
• foster strong and empathetic parenting skills,
• build strong support networks in the community, and
• reduce the need for government intervention.

Through the program, moms are supported to provide strong early-childhood development by helping babies feel safe and valued, encouraging curiosity and problem-solving, and building identity, independence, and healthy mental and physical development.

This year the program has added a peer support-worker component; a UBC longitudinal study will begin looking at how the program reduces involvement with government services and the number of children in government care.

A Great Start
Kendra was incarcerated as a teenager and, in her words, “I would not be here if it wasn’t for EFry.” Kendra participated in numerous programs that helped her leave behind her previous life and make a new start for herself. And, when she was expecting her baby at 23, EFry was there to help again.

Beginning during the prenatal months and since the time her baby was born nearly a year ago, Kendra has participated in Growing Great Kids.

“Learning about nutrition was really important to me,” she says, “but I have also learned about brain development and milestones so I can help my baby grow. Kirsty, my facilitator, provides guidance for raising my child, for reading my baby’s cues, and dealing with challenges in a patient way. Communication is really key.”

“Kendra has done really well as a mom,” says facilitator Kirsty. “I am really proud of her.”

Thanks entirely to the generous support of donors, Growing Great Kids is one of the primary programs EFry offers to support women like Kendra to raise healthy children.


Shawn Bayes is the Executive Director of EFry.
Volunteers are crucial to the foundation of Variety—the Children’s Charity. Volunteer involvement speaks to the passion and spirit of this organization and increases Variety’s capacity to help children by lowering administrative costs. For over 50 years, volunteers have played key roles in assisting with fundraising activities and events, working on committees, and putting on events for BC’s kids with special needs.

Variety has over 3000 registered volunteers; 200 are heavily involved at various events throughout the year or in the Variety office on a regular basis. Young and old and loyal, some volunteers have been involved for over 40 years.

Variety volunteers have joined for many reasons. Some came with a friend and stayed after enjoying the team spirit that builds around a group working together. Some have had a connection with a child helped by Variety. Earl Griffith, the charity’s “Heartly” mascot, joined because his brother’s son received help. Ditto for volunteer Michelle Pallotta; her friend’s daughter needed heart surgery and Variety covered their travel accommodations.

Volunteers in their 80s work alongside teen volunteers. Some started as members of “Young Variety” where they organized and ran their own events for kids or assisted at Variety’s events. They developed leadership skills and now play key roles as adults in mentoring new volunteers.

This couple has been helping kids with special needs province-wide through Variety for over 50 years.

Bob and Barbara Stewart
This couple has been helping kids with special needs province-wide through Variety for over 50 years. In 1972 Barbara joined as a volunteer at the annual “Variety Show of Hearts Telethon.” Fifteen years later, she became Variety’s first woman Chief Barker, aka President.

She went on to be a member of the President’s Circle for Variety International and was the creative mastermind behind the charity’s hugely successful Gold Pin Program launched in 1991. The campaign has since raised more than $5 million in support of BC’s children with special needs and their families. “Being able to work with people who all share the same goal and passion is what keeps me here,” says Barbara. “And then to meet these amazing kids and their families and seeing firsthand how Variety has impacted their life is just the icing on the cake.”

Bob, former Chief of the Vancouver Police Department, became involved in 1975 after Barbara signed him up as a Telethon volunteer. After retiring from VPD in 1991, he became more actively involved, serving as Variety’s Chief Barker during the ’90s and terms in 2010 and 2011. “Giving back to the community is something that’s always been important to us,” says Bob. “And when it’s children and families you’re helping, that makes it all the more rewarding.”

Bob and Barbara were recently honoured with Variety BC’s Gold Heart Award.

Variety is currently recruiting volunteers for this year’s 53rd Annual “Variety Show of Hearts Telethon” on Sunday, February 10. “The telethon is a huge draw and a portal for new volunteers. After having fun at our signature event, they are excited to learn there are things to do year-round,” says Maureen Curtis, Manager, Volunteer Services. Those interested in volunteering can contact Maureen.

Donnie Gordon is Director, Marketing & Communications, for Variety—the Children’s Charity.

variety.bc.ca
Yeears ago, Sean felt trapped. He had lost who he was and did not know how to get back.

He sought relief through self-medication but that only led to addiction. Life felt overwhelming and he was losing his relationship with his two daughters.

Sean returned to his home town where he found himself homeless and at a crossroads. His daughters tried to support him as best they could but, despite their love for him, they did not know how to help. Finally, they could no longer witness him slowly disappearing and urged him to stand up and fight against the forces pulling him down.

If Sean wanted his girls in his life, he would need to find the courage to make a change. He chose to reach out for help.

Sean’s mental health recovery began like the journeys of many other people navigating the challenges of mental illness—with a hospital stay. His doctor admitted him to a psychiatric ward where he remained for the initial months of his battle to find his way back to himself. Once discharged, he entered another mental health care centre in the hopes of continuing his journey.

Following his institutional stays, Sean was connected to the Recovery and Rehabilitation Program at Riverview in Coquitlam, one of Coast Mental Health’s community-based mental health care facilities. There, Sean was able to begin to build his new life.

Sean’s struggle with mental illness is unfortunately common throughout BC and beyond. Mental illness symptoms are often not identified before they progress to an advanced stage or before relief is sought through self-medicating with addictive substances. Lives can be derailed in an instant.

Even when help is sought through the hospital-based system, little is known about the support that is needed beyond the hospital to maintain recovery. For many people, a hospital stay for an intense mental illness episode means that they lose their housing or their jobs or are unable to return to school. Any progress made during the hospital stay can be quickly lost.
People with mental illness often need to return to the hospital for help with relapses or worsening symptoms. Fortunately, community-based mental health care is there to offer them the means to continue their recovery by providing housing, recovery support services, and employment or education.

Community-based mental health care is a little known part of the continuum of care for mental health, yet it provides recovery services to a majority of people facing mental illness challenges. For example, multiple studies have demonstrated that cognitively based skill-building treatments and services such as cognitive-behavioural therapy, dialectical-behavioural therapy, and cognitive remediation can positively alter the life course for those with complex mental illnesses.

Research suggests that bridging new strategies into real-life situations results in better retention in treatment and better outcomes, including higher likelihood of being employed 6 months after the end of treatment.

Through the generosity of legacy and other donors, Coast Mental Health has been able to implement a Cognitive Remediation Program that combines all the above therapies at Riverview.

These days, the staff at Coast Mental Health can’t miss Sean’s eyes beaming each time he speaks about his daughters. And it’s no surprise that his resiliency and continued choice to connect with the best of himself are inspired by his children.

“We’re all running toward ourselves . . . Drugs weren’t my downfall. I was my own downfall. Coast’s staff has been great and I finally feel like I have a team.”

By healing the connection with his daughters, Sean has begun to bridge the gap that mental illness forged between them.

“Our relationship has gotten a lot better ever since he went to get help; he’s made so much progress at Riverview,” says daughter Jocelyn as she shares her feelings. “His recovery is leading him back to us. It’s starting to give us back our dad.”

Legacy giving has the power to empower and transform the lives of people living with mental illness.

Coast Mental Health is the largest community-based mental health care provider in British Columbia, serving more than 4300 people each year. For over 45 years, it has provided people living with mental illness, like Sean, with the three essential elements of community-based recovery—a place to live, a place to connect, and a place to work. Those supports are made possible in part through generous legacy gifts from individuals, as well as other donations. Every donation to Coast Mental Health Foundation provides people like Sean with the means to reclaim and rebuild their lives.

Legacy gifts truly have the ability to change and save lives.▲

Isabela Zabava is Executive Director at Coast Mental Health Foundation.

www.coastmentalhealth.com/get-involved/a-gift-in-your-will

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Mike Gosling credits an unexpected tap on his shoulder for changing the trajectory of his life.

He felt powerless on his own to overcome a 30-year addiction to alcohol and drugs. “I was circling the drain and had no idea how to get out of it,” sighs the 56-year-old. Mike had been desperately homeless for 5 years, sleeping in an abandoned Richmond shed and collecting bottles to survive—until he felt that tap on his shoulder.

“It was a Union Gospel Mission Outreach Worker who asked if I wanted to get sober,” he remembers. “I had already been thinking there must be more to life.” Mike put down his beer, left his bike, and climbed inside UGM’s white Mobile Mission van to begin a journey that would transform his life.

UGM’s Mobile Mission is a fully outfitted rescue vehicle that travels to areas in Metro Vancouver where people struggling with homelessness might reside, such as under bridges, local parks, and concealed alleyways. Recently expanded to go out 5 days per week, the vehicle is stocked with resources like blankets, clothing, winter survival gear, and premade meals.

Mike put down his beer, left his bike, and climbed inside UGM’s white Mobile Mission van to begin a journey that would transform his life.

The rescue vehicle has a spare seat, inviting individuals like Mike to go back to UGM on East Hastings—1 of UGM’s 7 locations—to receive further care, such as an Emergency Shelter bed or entry into their live-in Alcohol & Drug Recovery program. In essence, the Mobile Mission serves as a gateway into UGM’s life-saving programs and it hinges on volunteers.

“Volunteers are critical, but they’re in such high demand,” says Joanne Anderson, Volunteer Resources Manager. “The more hands we have helping, the more change we can enact in our communities.”

Giving back at UGM is more than volunteering. Because the charity offers a range of life-giving programs like Alcohol & Drug Recovery, Career Development, and Affordable Housing, volunteers play an active role in someone’s lifelong transformation. “I see people grow confident, independent, and better able to make life decisions,” shares Sandy, a Women & Families volunteer.

While volunteer opportunities range between helping the Mobile Mission and the Thrift Store, Joanne notes UGM’s urgent need for professionalized volunteers to help guests file taxes and complete forms to get a British Columbia ID (BCID). “People come in needing to catch up on multiple years. Those steps are crucial in helping re-build their life,” says Joanne.

Joanne says anyone can apply by visiting ugm.ca/take-action or by emailing volunteers@ugm.ca.

Several studies indicate that volunteering increases life satisfaction and longevity.

Mike knows both sides of this story well. “When UGM picked me up, they gave me my life back. They taught me the tools I needed.” Today, Mike is housed, 9-years sober, and determined to help others out of homelessness and addiction—giving back the same way he was saved—by volunteering with UGM’s Mobile Mission.

Jenessa Chan is Communications Writer for UGM.
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SAFE Seniors

If an elderly person fell in front of you, how would you respond?

If you knew you could save a life, we know you’d want to help. Among older adults, falls are the number one cause of fractures, hospital admissions for trauma, loss of independence, and injury deaths.

Each year, 30 to 60 per cent of seniors suffer a fall, through accident or due to health conditions that leave them dizzy, lightheaded, or with poor eyesight.

When considering our aging population, it’s easy to see how this already significant problem will quickly become more critical before long.

A simple fall can have devastating effects on an older person. Unfortunately, it often takes only a momentary event, such as a fall, to remind us how vulnerable we actually are.

Medical alert services that protect people living alone from the consequences of falling are wonderful. In a perfect world, everyone would have access to such a service. Sadly, that is not today’s reality as many seniors are struggling to meet their basic financial needs for shelter, food, and medications on fixed incomes that are not keeping pace with ever-increasing costs.

Thankfully, charitable giving makes it possible for seniors in need to access valuable programs and services they may otherwise not be able to afford.

Photo by Philips Lifeline
Maintaining independence and peace of mind goes hand in hand with enhanced quality of life. In 2016, the Eldercare Foundation partnered with Philips Lifeline to establish SAFE (Specialized Assistance for Elders), a medical alarm service to protect low income, at-risk older adults identified and qualified through Island Health’s Home and Community Care to ensure those with the greatest needs are helped.

Island Health Home and Community Care staff have told us that having the SAFE Lifeline service helps people feel more confident and enhances their lives enough to keep them out of hospital and out of residential care longer. “Those clients were isolated without much social support and having SAFE Lifeline was very reassuring to the clinicians involved, knowing there would be a way (for the senior) to call for help.”

Eldercare’s current annual commitment of $30,000 provides SAFE to 45 seniors annually, but the lengthy wait list tells us the need is much, much larger. The SAFE Lifeline Program currently serves at-risk seniors on Southern Vancouver Island and the Southern Gulf Islands but, through the generosity of charitable giving, we hope to expand this footprint to help more seniors stay safely in their own homes longer.

Charitable giving helps organizations like ours lend a helping hand and provide that peace of mind to those in need. One-time donations help meet immediate needs while multiyear pledges and estate bequests help us plan for future years and keep important programs, like SAFE, going and growing.

www.gvef.org ▲

Lori McLeod is Executive Director of Eldercare Foundation in Victoria, BC.
The Australian and New Zealand College of Notaries (the College, www.anzcn.org) held its most recent 2-day conference this year in October in Singapore.

The content was timely and educational and the welcome was very warm. I take the opportunity to once again thank the organizers and especially Joseph Lukaitis, President of the College’s Board of Governors; Marcus La Vincente, Deputy Chairman of its Board; and of course the ubiquitous Peter Zablud, known to many of us for his presence at our BC Notary Conferences and contributions to our Scrivener magazine.

Present from British Columbia were BC Notaries Susan Tong, Brenda Shergill, Murali Krishnan, Hilde Deprez, and myself and staff counsel Ron Usher and our CEO Jacqui Mendes. Ron and Jacqui gave well-received presentations: Ron contributed to a panel session about whether the future needed Notaries and Jacqui “marketed” the use of social media. Our BC Notaries Association organized a dinner for the College’s Board in gratitude for their invitation.

The theme of the conference was “The electronic future is now!” The opening address by David Beaves about China’s “One Belt One Road” project set the tone with a warning—this mega project that will see massive physical and digital infrastructure developed from the Near to the Far East is mind-boggling in its size and scope.

The informative presentations addressed the many challenges facing us in the not-so-distant future. I personally find it comforting to know BC Notaries are not alone in their search for answers. On the contrary, we can and should join forces.

When it comes to collaboration, the civil law Notaries are further ahead via their International Union of Notaries (UINL, www.uinl.org). They seem to have found one strong...
ENJOY THE CERTAINTY
THAT YOU HAVE MADE
A GOOD DECISION.

What will your legacy be? You can guide the future of your community and the causes you care about by making a legacy gift to the Victoria Foundation. Our endowment fund is one of this community’s greatest strengths, allowing us to manage charitable gifts and bequests in perpetuity.

We continually build the fund and invest in our community — granting annually to a broad range of charitable organizations and worthy causes. If community matters to you, the Victoria Foundation is where you can make your priorities known.

Please contact Sara Neely at 250.381.5532 or sneely@victoriafoundation.bc.ca for more information.

victoriafoundation.ca
Recovery is Possible. You can help.

When your clients remember Coast Mental Health Foundation in their Will, they help make recovery from mental illness possible for thousands of British Columbians.

Coast Mental Health Foundation
Registration Number: 86150 8018 RR0001
For more information, please visit coastmentalhealth.com or contact us directly at 604-349-2217.

SAFE provides a medical alarm service to low income seniors at risk of hospitalization or extended care placement due to falls.

Eldercare’s $30,000 annual commitment provides SAFE to 45 seniors each year, but our lengthy wait list tells us the need is much larger. Please consider a multi-year pledge, a planned gift, or a donation today and help us keep this important program going and growing.

SAFE • Specialized Assistance For Elders
1454 Hillside Ave., Victoria, BC V8T 2B7 • 250-370-5664 • www.gvef.org

BC Notaries in Singapore:
(Left) Brenda Shergill, Murali Krishnan, Filip de Sagher, Susan Tong (at right)
Beside Susan: Ron Usher, in-house counsel, The Society of Notaries Public of BC

It is my opinion that BC Notaries need the leverage that comes from international cooperation and are, in turn, well-placed to contribute.

It is my opinion that BC Notaries need the leverage that comes from international cooperation and are, in turn, well-placed to contribute to the above issues. Our strong education standards, our commitment to our various ethnic communities, our language skills, and our adaptation to new technologies speak for themselves.

As such, I urge my colleagues to attend meetings organized by above-mentioned organizations whenever possible. The College will hold its next conference in 2020 in The Hague in the Netherlands, the home of the 1961 Apostille Convention.

Filip de Sagher is a BC Notary practising at Deprez & Associates in Vancouver.
Born and raised in India, in 2002 I moved to BC with my husband and we started a family.

As mother to two young boys, I needed a job with flexible hours and to work from home. I thought of upgrading my studies and applied for the MA ALS (Master of Arts in Applied Legal Studies) program with The Society of Notaries Public of BC.

I remember going through rounds of interviews with then-CEO/Secretary Wayne Braid and a panel of Directors at The Society office. I was very excited to be selected and took it as a challenge for myself to successfully complete the new program in Cohort 2 of MA ALS at Simon Fraser University.

The study process included endless hours, sleepless nights, classes, assignments, and exams. A lot of credit goes to my study group members. I made good friends; we worked in discussion and study groups together and survived the course.

Motivation to get high marks on all the exams came mainly from fear of failure and I wanted to be a role model for my kids.

Although I had received top grades throughout my previous schooling, legal sciences was not my field of expertise. I was very pleasantly surprised at the Grad Luncheon ceremony when my name was announced as winner of the prestigious Dr. B. W. Hoeter Award for achieving the highest marks on all the BC Notary statutory examinations. The award was presented by Dr. Hoeter’s daughter Tessa Marks.

I sincerely thank my instructors, my mentors, and my cohort members for being extremely helpful always.

Soon after graduation, I opened my office in my home town of Surrey in 2011. My practice is mainly in real estate conveyancing. I’m thankful to my referral sources, such as bankers, REALTORS®, and repeat clients.

It gives me immense pleasure and satisfaction that as a BC Notary, I’m able to help clients with their legal needs, answer their queries, and manage their estate-planning requirements. Big credit goes to my staff of three and our teamwork.

I’ve always believed in giving back. As I was helped by my mentors, I like to mentor new Notary students. I also volunteer with local community groups and army cadets, assisting in fundraising campaigns and volunteering as much as possible.

As a doting wife and mom, family comes first for me. I like to enjoy time with my husband and my sons—Puneet, 15, who is in high school now, and Pahul, 11.

Manpriya Sarang is a BC Notary practising in Surrey.
BC Notaries Association: Vision and Mission

The Board and CEO of the BC Notaries Association held their first strategic planning session in October 2018 to map out the future of the Association over the next 2 years.

One of the most important outcomes was creating a Vision and Mission for the Association, as guiding beacons for the strategic priorities that will best serve Notaries in BC.

The Board is looking forward to implementing these principles to serve our members.

**Vision**
That people highly value the legal services of BC Notaries

**Mission**
The BC Notaries Association connects, advocates for, promotes, and supports its members (CAPS).

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By supporting EFry through a donation or planned gift, you are making a commitment to improving the lives of women and girls affected by poverty, addiction, and homelessness. A planned gift is a great way to maximize financial benefits for yourself or our clients while at the same time helping to build the future in trust for women and girls.

@EFryVancouver

www.elizabethfry.com
The Board of Governors of The Notary Foundation of BC is comprised of:

1. 8 members of the Board of Directors of The Society of Notaries Public of BC (new Governors shown in green box at right);
2. 1 representative from the Attorney General’s Office in Victoria*;
3. 2 Directors-at-Large, appointed by the Attorney General**; and
4. the Executive Officer.

The members from The Society are elected by the Directors of The Society from among their ranks, for a 3-year period.

**The Notary Foundation funds are used for the following purposes.

1. Legal education
2. Legal research
3. Legal aid
4. Education and Continuing Education for BC Notaries and applicants who have enrolled to become BC Notaries
5. Establishment, operation, and maintenance of law libraries in BC
6. Contributions to the Special Fund established under the Notaries Act of BC

*Total revenue to October 31, 2018, since inception
Let’s Talk about How the Access to Justice Crisis Impacts People with Disabilities

Disability Alliance BC is a provincial cross-disability organization that works to promote the dignity, independence, and well-being of people with disabilities in BC.

In Spring 2018, with generous support from The Notary Foundation of BC, Disability Alliance BC published “Barriers and Bridges” a special edition of Transition magazine about access to justice.

It explores some of the impediments people with disabilities encounter in the justice system as well as programs, resources, and initiatives that can help overcome those impediments.

We were proud to feature an editorial from the Honourable Robert Bauman, Chief Justice of the British Columbia Court of Appeals, along with content from other experts who are working to make the justice system more accessible. The magazine also featured a special insert with educational information about access to justice resources.

Why was “Barriers and Bridges” a necessary and important initiative? The short answer is that people with disabilities routinely face seemingly insurmountable barriers to participating in the justice system.

Here’s a longer answer.

“Access” and “Accessibility” are not exclusively topics within the purview of the disability community. Those concepts have unique resonance for people with disabilities, however. People with disabilities and disability advocates spend a disproportionate amount of time thinking about building accessibility, access to transit, access
There is broad consensus within the legal community that there is an access to justice crisis in BC.

The unique challenges and barriers that people with disabilities experience often have the effect of magnifying the kinds of routine (and not so routine) problems that people encounter in the course of their daily lives. There are many spheres of public and private life where British Columbians, with and without disabilities, face major accessibility barriers. One area of particular note is the justice system.

There is broad consensus within the legal community that there is an access to justice crisis in BC. Many British Columbians cannot afford conventional legal services. Further, the complexity of the legal system as a whole can make it feel all but impenetrable for the average person.

Because of the size and scope of the “Access to Justice” crisis in BC, the unique barriers that people with disabilities experience within the justice system often go unaddressed. If nothing else, “Barriers and Bridges” sought to shed light on the unique experience of people with disabilities within the justice system.

At Disability Alliance BC, we believe it is important to have a robust public discourse about the way people with disabilities interact with the justice system. We are proud to be participants in that discourse. We also recognize it is extremely important that professionals in the justice system, concerned about the unique barriers people with disabilities experience, work as allies and advocates with members of the disability community to promote a more accessible justice system for people with disabilities.

While “Barriers and Bridges” has helped frame and animate the conversation about people with disabilities and the justice system, we know it is just a part of a larger conversation. There is still much that needs to be done. We are so grateful to The Notary Foundation of BC for its vision and support of this important project.

Samuel Turcott is Executive Director: Policy and Programs, at Disability Alliance BC.

www.disabilityalliancebc.org
With almost a year under her belt as Chief Executive Officer at BCREA, Darlene Hyde is leaving her mark on BC’s real estate sector in a big way: Tackling the strategic realignment of BCREA.

“It’s all hands on deck—meaning we’ve just launched our 2018-2020 strategic plan,” says Hyde. “In collaboration with the 11 regional Real Estate Boards, we’re helping BC’s 23,000 REALTORS® navigate a time of enormous professional change.”

For Hyde, developing BCREA’s strategic plan is like building a house: It needs to be built on a strong foundation made up of a clearly defined mission statement. That’s why before delving into the strategic plan itself, Darlene and her team first clarified the Association’s mission: Empowering Real Estate Boards by sharing expertise so BC REALTORS® are trusted, respected, and proud of their profession.

“One that foundation was there, building the frame—our strategic goals—became much easier,” Hyde explains.

**Building Relationships**

With respect to the new strategic plan, Hyde and her team know teamwork will be the key. “All of us know that our success will depend on solid relationships.

For that reason, the first goal of the strategic plan is to build relationships with Real Estate Boards and other key stakeholders.”

She says BCREA is already on the right path, pointing to the success of Real Estate Board roadshows BCREA held in the second half of 2018.

“Completing BCREA’s first roadshows has set the stage for an aligned vision. We are better positioned now to coordinate actions on provincial matters, as well as on local matters that may have a provincial impact.”

**Leading a Unified Voice on Advocacy**

The year 2018 saw unprecedented regulatory change for REALTORS®. Unfortunately, many of the changes came into effect without input from the REALTOR® profession. Hyde says that needs to change but adds, “It will take a concerted and unified approach to advocacy to ensure the voices of REALTORS® are heard.”
Ensuring their voices are heard is a lynchpin of the new strategic plan and BCREA’s second strategic goal. She wants REALTORS®’ voices heard for two reasons.

First, it’s unacceptable that REALTORS® are sometimes positioned as untrustworthy and their perspectives dismissed when it comes to regulatory change.

Second, consumers’ interests are best served when REALTORS® help shape real estate practice.

According to Hyde, the rocky introduction of significant changes to Rules under the Real Estate Services Act that came into effect in June 2018 is a perfect example of what can happen when REALTORS® voices are shut out. “REALTORS® were not consulted on the implementation of the Rule changes and there have been some consequences that I don’t think the Real Estate Council of BC and the Office of the Superintendent of Real Estate anticipated, particularly when it comes to the ban on limited dual agency,” she explains.

Regulatory changes are not the only issues BCREA has been active on when it comes to advocacy. BCREA has also been hard at work to advocate for more transparency when it comes to the fight against money laundering. When Peter German released an independent review of money laundering in Lower Mainland casinos last summer that suggested real estate transactions are being used as a cover for money laundering, BCREA moved fast.

“Both BCREA and REALTORS® share a deep concern that the real estate sector may be vulnerable to abuse by organized crime. Early conversations with Financial Transactions and Reports Analysis Centre (FINTRAC) have helped us learn where there might be gaps in compliance,” Hyde says.

Who Will See Your Ad in The Scrivener?

- BC Notaries
- Lawyers
- Land Surveyors of BC
- Real Estate Professionals
- Real Estate Boards and Associations
- Age-Friendly Designates
- MLAs and MPs in BC
- Life Insurance Brokers and Agents
- Accountants
- Managers of Financial Institutions
- Investment Management Agencies
- Provincial and Federal Court Judges
- Registrars
- Mayors
- Government Ministries
- Libraries: Public and Private, including Law Society, Legal Services, Education Facilities
- Chambers of Commerce
- BC Housing
- BC Assessment
- BC Buildings Corporation

Fraser Valley Real Estate Board Communications Coordinator Debbie Jay; Real Estate Board of Greater Vancouver Government Relations Manager Harriet Permut; Real Estate Board of Greater Vancouver Volunteer/Committee Member Sylvia Sam; BCREA Director Ray Harris; BCREA CEO Darlene Hyde

Volume 27 Number 4 Winter 2018

The Scrivener | www.notaries.bc.ca/scrivener
Relevant, Adaptable REALTOR® Education

Hyde notes those conversations helped the BCREA team identify an opportunity to fulfill their third strategic goal: Enhance REALTOR® professionalism through a relevant, adaptable approach to education.

On the back of those FINTRAC conversations, BCREA launched its inaugural Advocacy Exchange Conference for Managing Brokers in September 2018. “We wanted to bring managing brokers and compliance experts together so managing brokers could better understand the nuances of their compliance responsibilities.”

The Advocacy Exchange Conference was also part of a larger rethinking of REALTOR® professional education. “Our existing Professional Development Program (PDP) framework may no longer meet REALTOR® needs. The swift pace of change to real estate practice means it is time for us to review the PDP structure as part of our broader strategic plan.”

More than Advocacy and Education

While advocacy and education are integral to BCREA’s role as the professional association for BC’s Real Estate Boards and 23,000 REALTORS®, they are just 2 of BCREA’s 5 core services that also include standardized legal forms, communications, and economics. BCREA’s fourth strategic goal is to continue delivering core services that enhance the professionalism of REALTORS®.

Hyde highlights the importance of the valuable insights BCREA’s Economics team delivers each month. “Our Economics team is respected across Canada and the market and economic analysis they provide every month helps REALTORS® add value to their clients. We are looking for new ways to leverage the outstanding work our Economics team does to support the profession and consumers.”

When it comes to communications, enhancing BCREA’s own image is another priority under the fourth strategic goal.

For Hyde, that meant a rebrand. “When I started, our stakeholders told us BCREA’s brand was outdated and stiff—our identity didn’t resonate with the people we serve.” She knew that had to change if BCREA was going to successfully reconnect with its stakeholders.

Hyde advocated for a new brand, complete with a new logo, tone of voice, and—coming soon—website. “Our new brand is fresh and dynamic,” she explains. “It’s about expressing that we are the voice of BC’s REALTORS®, the rebranding, along with a move to a new open-concept office, has really energized the BCREA team.”

Helping the BCREA Team Thrive

Hyde’s enthusiasm grows when she talks about BCREA’s fifth strategic goal, which is to deliver excellence through an engaged staff.

“As CEO, our fifth strategic goal is particularly important to me. The BCREA team has been incredible to work with during this period of uncertainty and have produced excellence day-in and day-out, often in a demanding and fast-paced environment.”

For Hyde, the fifth strategic goal is an opportunity for senior staff in particular to provide leadership that helps the team thrive. “I’m deeply committed to creating a culture of ongoing learning and growth for all the BCREA team, with managers empowered to lead the way. For me, real success will mean we do more than fulfill our strategic goals. Real success means creating a workplace where staff are supported in fulfilling their own professional goals, too. That’s the root of both excellence and engagement.”

With a fully staffed team in 2019, Hyde adds, “We are all enthusiastic about the year ahead and plan to keep our sleeves rolled up to continue building our momentum and shaping industry change.”

Hannah MacWilliam is Communications Coordinator for BCREA.
I am dismayed to discover that the only BC Notary in Powell River, Elizabeth Exter, has retired! And our other Notary Leanne Rebantad has moved to Vancouver.

A new Notary might come to our community if only he or she knew about our great little city.

Powell River is located on the mainland of BC on the upper Sunshine Coast. I've lived here for 18 years; it's the best place I've ever lived. It truly has it all. We still have a paper mill but we are no longer a "mill town." In fact, the former mill offices are set to become a very large marijuana-grow facility. Perched on the west coast of BC, we enjoy beautiful scenery and incredible ocean views.

We have enjoyed an influx of migrants from the Lower Mainland over the past few years who have brought new energy and a distinctly urban vibe. We have famous craft beer and many new coffee shops and restaurants.

Powell River is a remarkably artistic community with many talented visual artists and a numerous wonderful musicians. We host a world-class choral festival every second year called Kathaulmixw with participants from all over the world.

The landscape is remarkable and a launching point for incredible outdoor adventures like canoeing, sailing, paddleboarding, kayaking, and hiking the Sunshine Coast Trail.

We're about a 5-hour car trip from Vancouver (including two ferry rides and the wait times in between) or you can fly from Vancouver in just 30 minutes on Pacific Coastal Airlines.

The median home price is $350,000. For less than $1 million, you can buy a waterfront home.

Our town is friendly and inclusive, traffic is light, and you seldom have to wait in line for anything.

Come check us out. We're waiting for a new BC Notary to arrive!

Marilyn MacDonald
Graphic Artist
for The Scrivener
The Real Estate Foundation of BC welcomed over 200 guests to the 2018 Land Awards Gala, held October 11 at the Roundhouse Community Arts and Recreation Centre in Vancouver.

An environmental lawyer, a real estate agent, and a university professor walk into a community centre and find out they have more in common than they thought.

The Land Awards unites a diverse guest list of professionals, activists, and public officials. Those unusual dinner companions share a love for British Columbia’s land, water, and communities.

At the 2018 Land Awards Gala, the Real Estate Foundation of BC (REFBC) presented three Land Awards for projects, as well as the Land Champion Award and Emerging Leader Award that recognize individuals.

The awards help shine a spotlight on impactful projects and unsung heroes making a difference in BC communities.

Gala Highlights
Using dramatic lighting, native grasses, and cartographic accents, our events team transformed the Community Centre into an earthy, industrial space for guests to mingle and be inspired.

Erica Sigurdson, a Vancouver comedian known for her appearances on CBC’s The Debaters, emceed the event. A hit with guests, Erica’s sharp comedy poked fun at Vancouver’s housing prices, dating realities, and upcoming election.

Gerry Martin, Real Estate Council of BC (L) with Jack Wong, REFBC

Renu Bakshi, a communications professional and business journalist, hosted the awards ceremony and shared stories from her childhood growing up on a blueberry farm.

The Land Awards Gala also featured live performances by local jazz band Van Django, a thought-provoking series of BC maps, and a plants-first dinner menu.

Sam Sullivan, MLA

2018 FINALISTS AND WINNERS
This year’s award winners are helping to drive systemic change in how we value land, design buildings, and govern freshwater resources.

LAND USE AND CONSERVATION
Winners: Municipal Natural Assets Initiative (Smart Prosperity Institute, Brooke and Associates, David Suzuki Foundation, and the Town of Gibsons)

Natural features and ecosystems like marshes, forests, and shorelines can deliver services like stormwater absorption, water filtration, and erosion control to communities.

The Municipal Natural Assets Initiative helps communities to “count” those natural assets and assign a value that’s equivalent to the service a human-built asset would provide. By counting nature as an asset, municipalities can make a strong financial case for protection and conservation, while relying less on engineered assets.
BC’s fresh water is our most precious natural resource. Laws and policies can be powerful tools for protecting our rivers, streams, lakes, and wetlands.

The POLIS Water Sustainability Project, based out of the University of Victoria, works to drive innovation in water law, policy, and governance. The POLIS team has led research influencing BC’s Water Sustainability Act. Today, they work with researchers, local governments, First Nations, and funders to make policy recommendations, support watershed governance, and build capacity for community water protection.

The Other Finalists
Young Agrarians Land Matching Program (FarmFolk CityFolk)
Southwest BC Food System Design Project (Institute for Sustainable Food Systems at Kwantlen Polytechnic University)

EMERGING LEADER AWARD
Winners: Veronika Bylicki and Tesicca Truong

Tesicca and Veronika are the co-founders of CityHive, an organization that works to engage youth in civic affairs and sustainability. Together, they’ve launched pop-up “think-and-do” tanks, formed youth hubs on city building, and advocated for youth inclusion in planning.

LAND CHAMPION AWARD
Winner: Lana Lowe

A Dene from Fort Nelson First Nation, Lana has worked to manage and protect water, land, and habitat in northeast British Columbia. As the Nation’s Director of Lands, Lana has worked with community members and industry to manage the impacts of oil and gas development in the Nation’s territory.

Lana established community-led research and water monitoring programs; collaborated with governments, industry, NGOs, and academia; and created a community databank that is used in impacts assessment, regulatory and policy review, land use planning, and legal actions that have resulted in the prevention of overextraction of water for fracking and the protection of threatened caribou in the territory.

Learn More
I don’t envy the judges who had to choose this year’s award winners. Each of the finalists and nominees has made significant contributions to sustainability and conservation in British Columbia. Sharing their accomplishments with a wider audience—through the Gala and the award videos—is an immense honour.

Visit www.landawards.com to watch the videos and learn more about each of the projects.

The Real Estate Foundation of BC
The Real Estate Foundation of BC is a philanthropic organization that helps advance sustainable land use in British Columbia. It provides grants to nonprofit organizations working to improve BC communities and natural environments through responsible and informed land use, conservation, and real estate practices. Its funding programs support research, education, and policy analysis. Since 1988, the Foundation has approved more than $80 million in grants. ▲

Jack Wong is Chief Executive Officer of the Real Estate Foundation of BC.

www.refbc.com
Serving as a council member in your strata corporation is an important way of protecting your real estate investment and may provide a learning opportunity that can lead to future employment.

Council members exercise the powers and duties of the strata corporation, subject to those matters that must be decided by the owners at a general meeting. That means council members are like the Directors of a company and they gain valuable experience running a corporation.

To comply with the Strata Property Act, each strata corporation must have a council comprised of at least the minimum number of council members required by the strata’s bylaws. Usually, the minimum number of council members is three.

If a strata corporation does not have a properly functioning council, an owner of a strata lot may apply to the Supreme Court of British Columbia to appoint an administrator who then may take on the powers and duties of a council. Having an administrator do the work of council can result in the strata corporation, comprised of the owners, paying thousands or tens of thousands of dollars a year to the administrator for his or her fees and expenses.

Most individuals elected to council are owners of a strata lot in the complex. An individual representing a corporate owner and tenants who have been assigned a landlord’s right under the Strata Property Act to stand for council can also be elected by the owners to council. If you are wondering if you qualify as an “owner,” you may review the definition of “owner” in the Strata Property Act of BC, the main governing legislation for strata corporations in British Columbia.

In addition, a strata corporation can file unique bylaws in the Land Title Office that allow one or more other classes of persons to be elected to council. Commonly, bylaws allow the spouse of an owner or the children of an owner to serve on council. Before running for council, it is reasonable to ensure that the strata corporation has Directors’ and officers’ liability insurance.

Pursuant to the Strata Property Act, council members may receive remuneration for the exercise of council powers or performance of council duties. Remuneration for council members is allowed only if the strata corporation’s owners approve it, either as part of the annual budget, in the bylaws, or by a ¾ vote of the owners at a general meeting. Approval of remuneration for council members is rare; most council members perform their duties strictly as volunteers.

A council makes decisions by majority vote of the council members at council meetings. By participating in council, its members may learn basic concepts of organizational governance, including

a. accounting concepts, including developing and implementing a long-term financial plan;

b. decision-making procedure, including for council meetings and general meetings;

c. proposing, passing, and enforcing bylaws;

d. contract negotiation, particularly for services such as strata management, waste management, maintenance contracts, repairs, and loans; and

e. creating and implementing a privacy policy.
By serving on council, you also may learn more about topical issues that face those who live in multi-unit dwellings. Many councils have recently been addressing critical issues in their strata complexes, including:

a. long-term and short-term rentals;
b. complaints of second-hand smoke;
c. whether to allow residents to grow cannabis plants; and

d. whether to provide charging stations for electronic vehicles and how to allocate the cost.

Recent changes to Regulations of the Strata Property Act allow for fines of $1000 a day to be applied to owners using their strata lot for a short-term rental if it is prohibited in the strata corporation’s bylaws.

In the last few months, many councils have been proposing bylaws to address growing cannabis plants in strata lots as well as smoking cannabis in the complex. In addition, changes to the same Regulations now make it easier for a strata corporation to charge for the use of a charging station for electronic vehicles.

There are excellent educational opportunities available for council members at reasonable prices. One source of education is the Condominium Homeowners Association of BC (“CHOA”). Tony Gioventu, Executive Director of CHOA, says, “We note a direct link between the significant reduction in conflicts and problems in strata corporations when the council members routinely attend seminars.”

Many council members are applying the knowledge they have gained in their professional life to work for the benefit of their strata communities. Conversely, some council members gain skills and apply those skills, along with further education, to become strata managers. I know several council members who have gone on to successful careers in strata management.

If you are interested in a career in property management, you may contact the Professional Association of Managing Agents for further information. ▲

Elaine McCormack, a founding member of Wilson McCormack Law, is a Chartered Arbitor.
If you work in Human Resources or manage employees, you will no doubt be involved with resolving conflict at your workplace.

A common reaction for most people called to help resolve conflict at work is avoidance. I suggest getting curious. Get curious by asking the right people the right questions.

As a mediator, here are my five steps you can take to get curious and help resolve issues that arise in the workplace.

1. **Confirm who is involved.**
   That will typically range from two people to an entire division or team. For simplicity, let’s assume two staff members are not getting along.

2. **Talk to each person privately and confidentially.**
   Ask them for their perspective on the incident or incidents that have led to the conflict or strain. How do they think they have contributed to the conflict?

3. **Ask each person what a good outcome would be for him or her.**
   That is important! Do they want a finding of fact (an investigation) or are they open to moving forward if certain changes or acknowledgements are made? More often than not, I find changes and/or acknowledgements will be required from both participants.

4. **Ask what each person thinks the other person’s perspective is.**
   Ask each participant to try on the other person’s shoes, figuratively. Perhaps he or she has health issues or stress at home. Note: You are not divulging any confidential information you may have; you are helping the other person get curious and shift to a broader perspective of the situation. While someone’s circumstance does not condone poor behaviour, it can help another party to understand a situation differently.

5. **Task each person to describe options that could help to move forward with the other person.**
   If the parties are stuck, some options you could suggest are setting up a meeting or lunch, a facilitated conversation, or mediation. If the participants do decide to meet together, remind them to come with a willingness to listen and understand things differently.

As you gather this information, the next steps will be revealed. You don’t need to know all the answers when you are presented with a problem.

Giving people the opportunity to be heard and understood is powerful.

Amy Robertson is a Mediate BC Civil and Family Roster mediator in Victoria, BC.
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There are many remote communities in British Columbia.

Most of them have extremely interesting histories about the way those remote towns were first started or founded... stories of boom and bust and going from prosperous active communities to “ghost towns.”

Those communities are also full of great stories of the men and women who went to live there, had their children, and participated in the community and the economy.

By 1910, Stewart was a wealthy town, boasting a population of 10,000, with four newspapers, several hotels, and many dry-goods and clothing businesses.

They became merchants, government workers, teachers and bankers, and Notaries Public!

This article will focus on the community of Stewart, BC.

When I lived in Terrace and was involved in the insurance business, I also had an office in Stewart. The distance between the two communities is 312 kilometres and the driving time is just over 4 hours.

The drive follows the Skeena River. From Kitwanga to Stewart, you are treated to an unbelievable drive along smaller rivers, streams, mountains, valleys, and even a glacier right beside the road.

The town site, right on the Alaska border, was settled in 1902 by the “Stewart Brothers” when a post office was established there. One of the brothers, Robert, became the Postmaster and named the community—Stewart!

Of course for many generations, the Nisga’a people had lived along the banks of the Nass River and knew of the area at the end of the Portland Canal; they named it “Safe House” because it was a good location for them to hide when the Haida and Tinglit from the outer coast came to raid their villages.

In 1906, men looking for gold arrived mainly from Seattle, Washington, and some from California. By 1910, Stewart was a wealthy town, boasting a population of 10,000, with four newspapers, several hotels, and many dry-goods and clothing businesses.

In 1919, gold and silver were discovered on the Premier mine site; the mine operated until 1951 or 1952.
Many of the other mines in the area had been closed in the crash of 1929. During WW II, the town's population shrunk to 17 people!

In 1956, a massive ore body of copper was developed at a mine to become known as Granduc Mine. The tunnel constructed was the longest tunnel in the world at the time, just over 1716 kilometres in length!

With all the mining and economic activity and townspeople wanting to buy and sell properties and do other business, a Notary was needed. History is a bit sketchy regarding who was the first Notary in the area; some of that history has simply been lost. Therefore, I will tell you about the most recent Notary to serve in Stewart.

During my time in Terrace, I came to know Mr. Andy Burton, a longtime resident of Stewart and Mayor of the small community. Andy was elected the Member of Parliament for The Constituency of Skeena in the year 2000 and served 4 years in that office.

I recently had the opportunity to meet Andy again and he reminded me that his dad had been the Notary Public in Stewart. When I started as a Notary in Terrace in 1986, I had many times run across some of the work Mr. Burton had done.

I asked Andy if he would tell me how his dad had gone to Stewart and how he had become the Notary.

“As is typical in many smaller or remote towns and villages in British Columbia, it was not only Notary work that was conducted; the Notary could wear 4 or 5 different ‘hats’!”

“In 1965, my father Alf Burton was employed by the Provincial Department of Highways in Prince George. He was 63 years old and would be forced to retire at 65.

“I was living in Stewart, BC, and the Granduc Mine was under construction. To absorb the mine site for taxation purposes, the village had just expanded its boundaries and become a District Municipality.

“The expansion required much more in the way of municipal office and taxation requirements, much more than the part-time chap by the name of Bob MacLoud could put in, due to his full-time position as Department of Highways foreman.

“Council of the day decided to advertise for a full-time Village Clerk. As my dad was a widower, I thought a move to Stewart would resolve the issue of forced retirement and bring him closer to family. We discussed it over the telephone and I did a little local lobbying; he decided to apply.

“His résumé was excellent; Dad was well educated. But he was concerned that he might again be forced into a retirement he neither wanted nor needed. He was young at heart, articulate, and intelligent.

“Therefore, in his application he raised his concern about forced retirement. Acting Clerk MacLoud sent back a telegram reply accepting Alf Burton’s application. The telegram read as follows, ‘Age no objection; some intelligence desirable.’

“My father took the position and was not only Village Clerk but Government Agent and Canada Customs Agent for some time. Government Agent and Customs work were eventually farmed out, so he became full-time Village Clerk, a post he held until 1975. He then partially retired, working from home as a Notary Public, a designation and honour he had earned during his time in the District offices.”

Alf Burton was active as a BC Notary, performing property transfers and so on, until shortly before his death at 86 years of age.

Wayne Braid is the Executive Officer of The Notary Foundation of BC and former CEO of The Society of Notaries Public of BC.
Wills Drafting: The Myth of the “Simple Will”

It must be stressed that any document that has consequences as permanent and far-reaching as a Will can never be “simple.”

Even a straightforward Will can be fraught with drafting problems and potential liability.

A Will speaks from death and cannot be altered after death. Thus Wills can be viewed as potential “time bombs” of liability. Although sections 58 and 59 of the Wills, Estates and Succession Act now allow an opportunity to correct errors, to confirm what the testator really meant, to fill in the gaps, or to modify the ambiguous, a small drafting error can create an ambiguity that may take years to resolve in the Courts.

A Will is a very personal document, quite literally, a testator’s last word about how his or her estate is to be disposed of.

Duties of the Wills-Drafter

The Wills practitioner has several important duties, including the following.

1. Spending sufficient time to properly canvass with the client his or her instructions, and then understanding those instructions precisely after giving appropriate advice with respect to same

2. Translating the instructions into testamentary provisions that are valid and clearly express the testator’s intentions

3. Gathering all the information required to properly prepare the Will and to give effect to the testator’s wishes

4. Taking into account other documents to which the testator is a party, such as those dealing with assets that pass outside of the estate, and applying legal principles that may affect the provisions of the Will

Simply put, it is the Wills practitioner’s duty to ask the right questions and draft the Will properly in accordance with the client’s instructions.

Fees

1. Fees should be based on the practitioner’s actual time and not the supposed “going rate.”

2. The practitioner should explain to the client the amount of time it properly takes to prepare a Will, the amount of expertise required for same, the risk of liability, and the value of the assets that are being dealt. That will help persuade the client that the cost may be higher than he or she wishes to pay, but that it is still good value in the “big picture” of things. It should be stressed that the Will is dealing with the client’s lifetime accumulated assets.

3. If the client is unwilling to pay, then it is open to the practitioner to refuse to do the work.

4. If the practitioner accepts the work, he or she accepts the responsibility of doing it properly and promptly.

Getting the Necessary Information From The Client

Clients frequently attend at the Will-drafter’s office with firm instructions about how they want to dispose of their estates. It is the Will-drafter’s duty to properly examine and scrutinize such instructions because many of them may be neither practical nor advantageous to the interest of the estate or to the beneficiaries. The Will-drafter must educate the client and explain to him or her the nature and consequences of the proposed testamentary provisions.
It is not uncommon for the client’s initial instructions to be flawed. Clients often have firm opinions as to what they want to achieve with their Will that are often simply not practical, or even possible, and would almost certainly end in litigation. It is the job of the drafting practitioner to provide proper objective counsel in this regard.

To get the correct information, the practitioner must ask the right questions. The Will practitioner can simply never have too much information to give proper advice.

The bottom line is there is a duty on the Will-drafter to carry out the client’s instructions as closely as possible, but there is an equally important duty to make sure that clients understand they should not necessarily do what they want to do, and if they insist after proper advice, they must accept and approve the consequences.

**Probing the Client’s Mind**

I would be remiss in any discussion regarding the taking of Will instructions, especially from the elderly and frail, not to start with a wise quote from *Chalmers v. Uzelac 2004 BCCA 533.*

1. Every solicitor who, as part of his or her practice draws Wills, should read, mark and inwardly digest at least once each year the judgment of Sir John Alexander Boyd, C. in *Murphy v. Lamphier* (1914), 31 O.L.R. 287, the Canadian *locus classicus* on a solicitor’s duty in taking instructions, especially at pages 318-321.

2. That duty is owed not only to those who might, or ought to be, objects of the testator’s bounty but also to the testator, for only the solicitor can be the testator’s voice from the grave; the solicitor discharges that duty by making proper inquiries of the testator at the time of the making of the will and by taking and preserving proper notes of the responses and of any observations relevant both to capacity and to knowledge and approval of the contents of the will. The reason for the latter obligation ought to be obvious but, lest it is not, I state it: How can a judge put confidence in the testimony of a solicitor who says, years (here 9) after taking instructions, but keeping no notes of those instructions, that the testator said this or that as the reason for changing an earlier will?

In *Murphy v. Lamphier,* as cited in the *Chalmers* case, the duty of a lawyer taking Will instructions was discussed as follows.

It is an error to suppose that, because a person can understand a question put to him and give a rational answer, he is of sound mind and capable of making a Will: the competency of the mind must be judged by the nature of the act to be done, and from a consideration of all the circumstances of the case.

The grand criterion by which to judge, whether the mind is injured or destroyed, is to ascertain the state of the memory. Memory affords all the materials on which to exercise judgment and to arrive at a conclusion or resolution.

In the case of a person enfeebled by old age or with faculties impaired by disease, and particularly in the case of one labouring under both disabilities, a solicitor called in to prepare a Will does not discharge his duty by simply taking down and giving expression to the words of the client, without being satisfied by all available means that testable capacity exists and is being freely and intelligently exercised in the disposition of the property; and, in dealing with a person needing protection and advice, it is important for the solicitor to find out if there be a former Will, and its nature, with a view of getting at the reasons for any variations or changes therefrom, if such changes be contemplated.

The notes of haste, stealth, and contrivance attached to this transaction, and were not removed by the evidence.

The duty was similarly described by Kroft J. in *Friesen v. Friesen Estate* (1985) 33 Man.R. (2d) (Q.B.) at para 77, as follows.

6. The duty upon a solicitor taking instructions for a Will is always a heavy one. When the client is weak and ill, and particularly when the solicitor knows that he is revoking an existing Will, the responsibility will be particularly onerous.

7. A solicitor cannot discharge his duty by asking perfunctory questions, getting apparently rational answers, and then simply recording in legal form the words expressed by the client. He must first satisfy himself by a personal inquiry that true testamentary capacity exists, that the instructions are freely given, and that the effect of the Will is understood.

**Sample Organizational Chart for a Will**

One tried-and-true technique of Will-drafting is to break the Will down into its basic components, to demystify the task at hand. Here is a sample of how most Wills can be broken down.

**Part One: Initial Matters**

(A) Revocation of prior Wills

(B) Appointment of executor and trustee

(C) Appointment of alternate executor and trustee

(D) Appointment of guardian, if applicable

**Part Two: Disposition of Estate**

(A) Vest property in trustee

(B) Payment of debts, testamentary expenses

(C) Disposition to beneficiaries

   (a) Specific bequests

   (b) Legacies

   (c) Residue

   (d) Alternative gift(s) of residue

**Part Three: Administration of Estate**

Powers of Executor/Trustee

(1) Power of sale or conversion
Part Four: Closing Matters

Miscellaneous provisions, for example
(1) Charging clause
(2) Funeral wishes

Remember that the client must “know and approve the contents” of the Will. So that can be achieved, the goal should be to draft a Will the client may read and understand for him or herself. The use of a logical arrangement of paragraphs and clauses such as displayed in the above-noted organizational chart will assist the client in that endeavour. The use of headings and definitions and the numbering of paragraphs and clauses will also assist in that regard. Bearing in mind the aging population, using a reasonably large font is advisable.

It should be noted that words used in a Will are given their ordinary meaning by the Courts. Also, a judge should consider only the Will and the facts and circumstances known to the client at the time the Will was made to determine the client’s testamentary wishes.

Style of Drafting: 20 Dos and Don’ts

1. Strive for simplicity without sacrificing precision.
2. Be brief without sacrificing comprehensiveness.
3. Be consistent in the use of tense and the use of terms. All of the clauses to be used must then be looked at together to ensure a uniform drafting style throughout. The Will created must not look like a patchwork quilt of style and language as this could lead to interpretation problems and possible negligence claims.
4. Use modern plain language rather than verbose and archaic expressions. For many years now, there has been a movement toward the use of plain language to replace legalese and bureaucratic writing. Plain language is straightforward prose, carefully written with the needs of its primary readers in mind. Strive to make your average sentence length shorter and to simplify your sentence structure.

5. Eliminate redundant words and phrases. Will-draftpersons have the tendency to use couplets and triplets when one word carries the intended meaning. For example, the words “nominate, constitute, and appoint” could be condensed to simply “appoint.” The words “give, devise, and bequeath” could be shortened to simply “give.”

6. Strive to not use foreign words in Wills unless you are referring to foreign places or persons. For example, do not use Latin phrases such as “bona fide” when the English “good faith” conveys the same meaning. Similarly, do not use expressions such as “cy-pres” or “en ventre sa mere,” when they can be replaced with “as near as possible” and “in its mother’s womb.”

7. Do not use the word “issue” that ordinarily means all of a person’s lineal descendants, but instead use the words “child,” “children,” “grandchild,” and/or “grandchildren,” as appropriate. Similarly, do not use the words “per stripes” or “per capita” but instead describe the method of distribution.

I once litigated the following clause from a Will that used the word “issue.”

To divide the residue of my estate between my daughters Mary and Joan who survive me in equal shares per capita but if any child of mine predeceases me leaving issue him or her surviving, the issue of that deceased child surviving me shall take (and if more than one in equal shares per stripes as tenants in common) the share which his or her or their parent would have taken if living.

The deceased had a son who had predeceased him by 10 years leaving two children. At the time the deceased executed his Will, he had only the two daughters Mary and Joan. The Will was poorly drafted in that it used both the words “any child of mine” as well as the words “leaving issue him or her surviving.” I argued that the issue of the deceased son, namely the deceased son’s children and grandchildren, should share equally in the estate with Mary and Joan.

Leaving aside the poor draftsmanship that resulted in the litigation, I have never yet met a client who wishes to provide for all of his or her lineal descendants. Clients usually wish to provide only for their children, but if a child has predeceased, leaving children of his or her own, then for those children, that is the grandchildren of the client, in the place of the deceased child.

8. Do not do a codicil to revise an existing Will, as it is too easy to make a mistake. Disregard the client’s concerns about costs in this regard. If the client wants to make a change to a Will, then draw a new Will.

9. When providing for the distribution of the estate residue, try to use percentages or shares rather than specific amounts. Then add the percentages or shares several times to ensure they add up to 100 per cent. In Sarkin v. Sarkin Estate, 36 E.T.R.139, the draftsperson did use shares, but the shares added up to only 55 per cent of the residue. As a result, the remaining 45 per cent went by way of a partial intestacy.

10. Do not use precatory words such as “wish” or “request,” as they are not binding on the executor.
11. Be precise in your description of assets to avoid ambiguities.

12. Check carefully for inconsistent clauses.

13. Check to see that no intestacy or partial intestacy has been created. I once litigated a homemade Will where the testatrix included a specific clause stating she did not wish her brother to ever share in her estate by reason of bad past behaviour. She executed the Will without having included a residual beneficiary clause and thus created a partial intestacy. The effect was that her next-of-kin, namely, her brother, inherited.

14. Sufficiently identify each beneficiary and record his or her contact information. Charities can be a particular problem, as it is necessary to understand the structure of the charity and to ascertain which part of the charity the testator wishes to benefit, as well as to ensure the charity's name is stated correctly. If possible, the charity should be contacted to ensure accuracy. Leaving a bequest to “charitable and educational institutions” will undoubtedly lead to much litigation among various charities and education institutions.

15. Be consistent in the words you use.

16. Try not to include a gift of a specific parcel of property to a beneficiary as there is a good likelihood the testator will not own the property at the time of his or her death. A better way to accomplish such an intention is to use a clause such as “to transfer to Mary, if she survives me, whatever house and property I own at the time of my death,” or such similar-type wording.

17. Only attempt to do the type of Wills with which you are completely experienced and are totally comfortable doing.

18. Review the Will clause by clause very carefully with the client. It should never be a cursory review. It may be helpful to paraphrase each clause to the client in simple terms, as many clients will not really understand what most of the clauses mean. It is suggested that where possible and practical, email, fax, or mail a copy of the Will to the client to review prior to seeing him or her in your office. That will give the client time to consider and reflect on the Will and to make any changes he or she considers appropriate. That is preferable to the client attending at your office and requesting changes to be made on the spot, as such changes are often rushed.

19. Use technology but beware that it sometimes does strange things, like leave out paragraphs and make other such unexplained mistakes.

20. Do not rely solely on a checklist-type Will instruction sheet. Make real notes, including observations confirming you probed the Will-maker’s mind to check for mental capacity and noted his or her statements as to next-of-kin and the value of assets. On completing a Wills file, avoid using a form reporting letter that has clauses that do not relate to the particular instructions.

Conclusion

I again stress there is no such thing as a simple Will. While a Wills practice can be enjoyable and rewarding, the draftsman can never let his or her guard down for one instant regarding the myriad potential problems that can arise in this type of practice. The client needs firm advice and guidance throughout the taking of instructions and again during the review of the Will at the time of execution.

Trevor Todd restricts his practice to estate litigation. He has practised law in Vancouver for 45 years.
At the Directors Meeting October 11, 2018, Graham Held, AACI, P.App, was re-elected President of the British Columbia Association of the Appraisal Institute of Canada for a 1-year term.

A member of the Kamloops Chapter of the BC Association of the Appraisal Institute of Canada, in his 25-year tenure Graham has gained experience from several BC Assessment offices including Pitt Meadows and Burnaby.

In June 2004, Graham became Deputy Assessor for the Surrey office and transferred to the Kamloops office as Deputy Assessor in 2007. Graham oversees the administration of BC Assessment’s core product, the assessment roll, an annual snapshot of properties and property values across British Columbia. BC Assessment delivers the roll electronically to every taxing authority in British Columbia, allowing for fair and equitable taxation. BC Assessment also communicates assessed values to property owners by mailing nearly two million assessment notices each January.

An accredited member of the Appraisal Institute of Canada, he was awarded his AACI, P.App, designation in 2003. He holds a Bachelor of Commerce specializing in Urban Land Economics from the University of British Columbia.

An avid volunteer and mentor throughout his career, he was elected to the AIC-BC Board in 2007 and previously held roles as Kamloops Chapter Representative and 1st Vice President. Graham dedicates his spare time to working with the Real Estate Division of the UBC Sauder School of Business as tutor for the course BUSI 460 – Critical Analysis and Forecasting in Real Estate.

The BC Association of the Appraisal Institute of Canada is the Provincial Association of professional real estate appraisers. With approximately 1200 members, the Provincial Association is affiliated with the National Appraisal Institute of Canada and comprises eight Chapters throughout BC and the Yukon.

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Fujitsu ScanSnap iX1500 Scanner

The Fujitsu ScanSnap iX1500 sitting on a desk looks like a pleasant white paperweight.

This little technical marvel has speed, accuracy, and easy-to-use software. Fujitsu has thrown lots of useful features into the iX1500, including a 4.3" intuitive touchscreen, improved Wi-Fi connectivity with 5 GHz support, new ScanSnap Home integrated organizer software, faster scanning, and photo scanning enhancements such as Streak Reduction. It has the ability to scan directly to your favourite cloud service, for example, DropBox, Google Drive, Apple iCloud.

Touchscreens make interacting with our devices extremely easy. The iX1500 screen offers familiar interactivity and control with gestures, like swipe and touch. The large screen is easy to read.

The menus on the touchscreen allow the user to select personal scanning profiles such as shortcut buttons. You can set the scanning mode to the time of scan—continuous, one sheet at a time, or manual mode for thick or folded documents, plastic cards, or items with sticky notes attached. Before any scan, you can choose a colour mode, duplex mode, and image quality.

If you prefer, the one-touch “Auto Scan” button will scan your documents automatically. Automatic size detection lets you manage various documents and batches in one go. The scanner and software will automatically detect the size of each document and crop it accordingly.

Speed is important in the world of scanners. In duplex mode, this Fujitsu unit scans at 30 ppm or 60 ipm. The Automatic Document Feeder (ADF) scans at 50 ppm; you can place sheets into the unit and walk away or you can add more pages to the unit while it’s scanning.

You can connect the iX1500 via USB cable or Wi-Fi. The iPhone or Android apps provide connectivity for scanning directly to a smartphone.

The unit is smart enough to self-check; for example, it can detect streaked images caused by dust. A notification pops up so you don’t scan too many pages with a line down the middle.

Shortcuts and sharing work are two prime reasons to have an iX1500 on your desk. With the presets, you can scan and send documents to your Dropbox account, send business cards to another folder, and send receipts to an accounting folder.

BC Notaries and REALTORS® can scan closing documents directly to a folder that’s shared with their colleagues in the office.

Up to four users can have their own identifiable colour icons. Profiles can be set up for each person, with up to 30 profiles possible.

The ScanSnap iX1500 has an expected lifespan of around 200,000 documents. If your average file contains 75 pages, that’s over 2600 files. This machine will put industrial scanners to shame for its reliability and ease of use.

If the unit does break down, Fujitsu offers a SWAP warranty within 3 years of purchase—a new unit will be sent to you as a replacement.

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Techno’s Dream:
The 2019 BMW X5

About 421 km from the BMW Head Office in Munich, Germany, is a small town called Landstuhl.

Landstuhl’s off-road trails would make a mountain lion think twice. Those trails are precisely what the 2019 BMW X5 can handle.

Known as one of the first luxury Sport Utility Vehicles, the X5 has evolved into an icon of the premium, on-road, off-road, people/cargo mover vehicles. Almost 20 years have passed since the first version roamed our roads. This latest, fourth-generation model feels more athletic, more agile, and more luxurious than ever.

It will take 5 to 7 passengers around in comfort and not think twice when the paved road ends and the dirt road begins. The new X5 upgrades include technology, safety, power, and amenities, with some serious off-road capabilities.

It’s still a comfortable city/highway cruiser but, with the newly engineered double-axle air-suspension and hill-descent control, it is nimble off the beaten path. Coming down a hill is as simple as pushing the hill-descent button, setting the speed to say 5 km/h, and letting the Beemer manage the brakes and grip. All you have to do is steer.

The radically revamped iDrive 7 infotainment system requests more tapping and swiping on its 12.3” touchscreen and less spinning and pushing of the round multicontroller. I quickly adapted to the new interface preference.

The old iDrive screen was divided into 6 panels (3 were visible at any given time). The new setup uses a left-side menu bar with shortcuts and the driver’s choice of three different pane layouts. You can define up to 10 pages of widgets to suit your preferences, including things like weather, news, and online search via the 4G LTE hotspot.

If you want a change in scenery and interface, Apple CarPlay is included, with wireless charging to boot. I love wireless charging and wireless CarPlay . . . connecting wires is so 2017. Apple CarPlay is a subscription service and the first year is free. Then it’s $100 a year.

BMW’s Open Mobility Cloud facilitates connecting the X5 to the driver’s other smart devices, including Google Home, Alexa-enabled devices, and smartwatches like the latest Apple Watch.

Although most folks will be hard pressed to distinguish the 2019 from the 2018 model visually, the trademark kidney grille is larger, the adaptive LED headlights are restyled, and laser lighting is now optional. Round-edge body angles are gone, replaced with sharp creases.

Your right foot and your wallet can choose 1 of 2 powerplants: A 3.0-litre turbocharged 335 hp inline-6 or a 4.4-litre 456 hp twin-turbo V8, both mated to an 8-speed automatic transmission. Both are quite capable of moving the two-ton plus vehicle around, with the V8 hitting 100 km/h in under 4.5 seconds.

The 8-speed automatic transmission comes standard with all-wheel drive—BMW’s “xDrive.”

A performance plug-in hybrid with a 6-cylinder engine will come later. The folks in Munich have not decided yet if a diesel version will be available in Canada.

Once you get up and go, you have to stop. The X5 brakes provide full stopping force without that grabbing feel. The X5 and the gorgeous new 8 Series are the first to get BMW’s integrated brake-by-wire system. Can autonomous braking and other self-driving systems be far behind?

Safety first for BMW. Their Extended Traffic Jam Assistant will keep itself centred in its lane and negotiate stop-and-go traffic on its own.

The system also makes sure the driver hasn’t nodded off. If a driver fails to retake manual control from ETJA even after a series of warnings, the vehicle can automatically pull itself over to a stop with its hazard lights blinking and use the onboard telematics to place an emergency call.

And its cupholders will heat or cool!

2018 BMW X5 xDrive35i
Automatic Transmission
$69,950

2019 BMW X5 xDrive50i
Sport Automatic Transmission with Paddles
$86,000

www.bmw.ca ▲

Akash Sablok is now a Life Member of the Board of Directors. He served as President of The Society from 2013 to 2015 and Chair of The Notary Foundation from 2015 to 2017.
Congratulations to Mercedes Wong, commercial REALTOR® in Vancouver. She has been awarded the CRE® (Counselor of Real Estate) credential by The Counselors of Real Estate®, an international group of high profile real estate practitioners who provide expert advisory services to clients on complex real property and land-related matters. The credential was awarded in October at The Counselors’ 2018 Annual Convention in Charleston, South Carolina.

Send us a photo from your next trip! 
scrivener@society.notaries.bc.ca

Where in the World Has The Scrivener Been?

Retired Notary Esther Chiu and The Scrivener in the Valley of the Kings, Egypt

Notary Andrea Agnoloni and The Scrivener at the Matterhorn

Trevor Todd and The Scrivener visiting a Stalinist prison camp for female political prisoners outside Astana, capital of Kyrgyzstan

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