ONTARIO BAR ASSOCIATION
A Branch of the Canadian Bar Association

OBA | Professional Development

Financial Abuse of the Older Client: Practical Legal Strategies to Prevent and Respond to the Exploitation of Seniors

In-Person Webcast

OBA Professional Development

Date: Tuesday, March 7, 2017 |
9:00 am to 1:00 pm

Location: Twenty Toronto Street Conferences and Events
20 Toronto Street, 2nd Floor, Toronto

Program Chair: **Steven Benmor**, Benmor Family Law Group

This program contains 0 Professionalism Hours
This program is eligible for up to 4 Substantive Hours

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Upper Canada.

According to the Government of Canada, the most common form of elder abuse in Canada is financial abuse, which can include a wide spectrum of activities. Join us to explore some of the common forms of financial abuse of elders. Gather helpful strategies to assist you in protecting clients from potential abuse, and the insights you need to detect and respond to such abuse.

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks
Steven Benmor, Benmor Family Law Group

9:10 am **Understanding Financial Literacy and Capacity Concerns**
Moderator: Kim Whaley, WEL Partners
Dr. Carole Cohen, Sunnybrook Health Sciences Centre
Laura Tamblyn Watts, Senior Fellow and Staff Lawyer, Canadian Centre for Elder Law

- How do cognitive screening and capacity measurement tools work?
- What is the role of the Financial Literacy Leader?
- What common complaints come before the Ombudsman for Banking Services and Investments?

9:45am **Practical Strategies to Prevent Power-of-Attorney-for-Property Abuse**
Graham Webb, Advocacy Centre for the Elderly

- How to utilize delayed effectiveness conditions for powers of attorney
- Drafting anti-abuse provisions for powers of attorney
- Revoking powers of attorney in cases of suspected financial abuse and diminished mental capacity

10:20am **Challenges Faced by Seniors with Pensions and Benefits**
Harold Geller, McBride Bond Christian LLP
Lawrence J. Swartz, Barrister and Solicitor

- What are your client's options? Making sense of lifetime pensions, commuted value and investment alternatives
- Tricky issues in dealing with advisors
- When will unions represent a retired employee?
- What happens to your client's pension and benefits if the company becomes insolvent?

10:50 am Networking Break

11:05am **Key Considerations in Transfers, Loans and Mortgages**
Sara Beheshti, Barrister and Solicitor
Raymond Leclair, LAWPRO

- What are the implications of how property is held? Joint tenants, life interests etc.
- Protecting everyone: how to approach multi-generational living and ownership
- Essential duties when registering a private mortgage and when acting for the bank

11:35am **What are the Implications for Seniors Advancing Monies to Adult Children?**
Katherine Batycky, Kyle & Associates
Steven Benmor, Benmor Family Law Group
With rising housing and other living costs, seniors may advance money to their adult children to assist with these expenses. What are the family law implications of such advances, whether a gift or loan? How can you protect against unintended consequences in the event of a relationship breakdown between the adult child and his/her spouse?

12:05pm **Exploring Civil and Criminal Remedies for Financial Abuse of Seniors**
Moderator: Lionel Tupman, WEL Partners
Jason Peddle, Vulnerable Persons Coordinator, Toronto Police Service
Pat Blake, Investigator, Ministry of Government and Consumer Services
D'Arcy Hiltz, Barrister & Solicitor

- Considering the benefits and detriments of the available avenues for redress
- Navigating the intersection of the civil and criminal processes
- What different procedures exist in the civil realm for addressing financial abuse?

12:50 pm Closing Remarks

1:00 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org

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