

## A Practical Guide to Tax Considerations in Succession Planning

*Trusts and Estates Law / Taxation Law*



**Date:** Thursday, May 18, 2017 | 9:00 am – 12:30 pm  
**Location:** Twenty Toronto Street Conferences and Events  
 20 Toronto Street, 2<sup>nd</sup> Floor, Toronto

**Program Chairs** **Robert Kepes**, Morris Kepes Winters LLP  
**Amanda Stacey**, Miller Thomson LLP



This program is eligible for up to 3.5 Substantive Hours

Whether you are a trusts and estates practitioner who needs a working knowledge of relevant tax issues, or a tax practitioner involved with trusts, this is an essential program for you. Our expert faculty will share the key fundamental concepts as well as the newest developments you need to know. You will take away practical strategies to reaching successful outcomes and invaluable advice you need when facing an array of common and not-so-common situations as they arise in your practice.

9:00am Welcome and Opening Remarks

9:05 am **Strategies for Managing the 21 Year Rule**  
**David Stevens**, Gowling WLG

- What is the purpose and scope of the 21 year rule?
- Exploring the mechanics of the tax-deferred rollout under section 107(2) and the taxable rollout under section 107(2.1)
- Planning to deal with the 21 year rule
- What are the implications of this rule for trust drafting and practice?

9:30 am **Post-Mortem Tax Planning: Dealing with Double Tax on Death**

**Samantha Prasad**, Minden Gross LLP

- Pitfalls to avoid in utilizing a pipeline strategy, with and without bump in assets
- Minimizing tax by using the winding up and section 164(6) designation
- Share redemption strategies to reduce double tax

9:55 am **Valuing Discretionary Trust Interests: Need to Know Family Law Implications**

**Rahul Sharma**, Miller Thomson LLP

Recent decisions have advanced different approaches when valuing discretionary trust interests for family law purposes. Get up-to-speed on:

- Recent family law cases you need to know and the key practical points for tax lawyers and estate planning specialists
- Planning approaches and best practices for dealing with potential family law implications of estate freezes and business succession plans

10:20 am **Top Drafting Strategies for Trusts and Wills**

**M. Elena Hoffstein**, Fasken Martineau DuMoulin LLP

**Darren Lund**, Fasken Martineau DuMoulin LLP

- Navigating spousal trust rules: Designing your spousal trust
- Dealing with charitable donations
- Making sense of CRA technical positions of note including phantom income
- Trust provisions to include to facilitate post-mortem planning

10:45 am Networking Break

11:00 am **Attribution of Trust Income and Section 75(2)**

**Robert Kepes**, Morris Kepes Winters LLP

- Critical attribution rules
- Recent decisions on attribution under section 75(2)

11:25 am **Unraveling Recent Statutory Developments in the Taxation of Trusts**

**James Murdoch**, Thorsteinssons LLP

- Changes to the Principal Residence Exemption
- The treatment of spousal trusts under section 104(13.3) of the *Income Tax Act*

11:50 am **Helpful Advice for Navigating Key Professionalism Challenges**

**Caterina Galati**, Senior Competence Counsel, Law Society of Upper Canada

**David Stevens**, Gowling WLG

- Trustees? Beneficiaries? Who is your client?
- Best practices for dealing with joint retainers

12:25 pm Questions and Concluding Remarks

12:30 pm Program Concludes

**PROGRAM REGISTRATION IS ONLINE** [www.oba.org/pd](http://www.oba.org/pd)

Questions? [pd@oba.org](mailto:pd@oba.org)