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Preparing and Passing Fiduciary Accounts: When, Why and How to Avoid a Dispute

In-Person Webcast

Trusts and Estates Law

Date: Wednesday, December 12, 2018
9:00 am to 12:30 pm

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

Program Chairs: **Lisa Filgiano**, Miller Thomson LLP
Sara Beheshti, Law Office of Sara Beheshti

CPD

Substantive Hours: This program is eligible for up to **3.5h**

Understanding the legal and practical issues arising in the preparation and passing of accounts is essential for both trusts and estates planners and litigators. Enhance your knowledge on the nuts and bolts of preparing and passing accounts, tools for managing complex fiduciary accounting issues in the administration of an estate or trust, and strategies for dealing with disputes and contested passing of account applications. Join your colleagues and our expert faculty for the insight and advice you also need to navigate fiduciary compensation, contested passing of accounts applications, and working with the Office of the Children's Lawyer and the Office of the Public Guardian and Trustee. Register now to secure your spot.

8:30 am Registration and Breakfast

9:00 am Welcome and Opening Remarks

9:05 am **Passing of Accounts – A Primer**
Jordan Atin, Hull & Hull LLP
- What is a passing of accounts?
- When can it be used?
- Preparing proper accounts
- The passing of accounts process
- Alternatives to a passing of accounts

9:35 am **Perspectives from the Office of the Children's Lawyer and the Office of the Public Guardian and Trustee**
Katherine Antonacopoulos, Office of the Children's Lawyer
Heather Hogan, Office of the Public Guardian and Trustee
- When are you required to serve either office?
- What additional information do these offices need from you in order to confirm that they have a role to play in your proceeding?
- Factors considered by OCL and OPGT when reviewing guardianship or estate accounts.

10:15 am **Managing Specific Problems on Passing of Accounts**
Rosanne Rocchi, Miller Thomson LLP
- Compensation for Trustees who serve as directors and officers
- Ability to carry on business and assets used
- Shareholder loans
- Revival of the rules in *Howe v. Earl of Dartmouth and Re. Earl of Chesterfield's Trusts*
- Accounting for hotchpot and equalizations directions

10:45 am Networking Break

11:00 am **Compensation for Fiduciaries**
Eric Hoffstein, Folger Rubinoff LLP
- Review and update of the court's approach to compensation
- Timing of taking compensation
- Distinction between compensation for guardians, attorneys, executors and trustees
- Solicitors doing executor work
- Special fees

11:35 am **Effectively Managing Contested Passings of Account**
Melanie Yach, Aird & Berlis LLP
Andrea McEwan, Aird & Berlis LLP
- Common objections raised
- Procedure on contested applications to pass accounts
- Advocacy tips, defending accounts/objecting to them
- Effective use of offers to settle in contested applications to pass accounts
- Costs on contested application to pass accounts

12:15 pm Questions and Concluding Remarks

12:30 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE **www.oba.org/pd**

Questions? pd@oba.org