



PROFESSIONAL LLM in

tax law

Reflecting on your specialty
reflects well on you.

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This program is available
via distance learning.

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DIRECTORS

Tim Edgar

Professor
Osgoode Hall Law School

Jinyan Li

Professor
Osgoode Hall Law School

Scott Wilkie

Partner
Blake, Cassels & Graydon LLP



A WORLD LEADER IN LAW SCHOOL LIFELONG LEARNING

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"Where else in Canada can you learn from such a rich blend of tax practitioners and academics without giving up your day job? From tax policy and theory to real-world problem solving - it's all here. *Osgoode's* LLM in Tax Law exceeded my already lofty expectations and I would highly recommend it both to seasoned tax practitioners who want to upgrade their skills, and to tax novices who want to take their careers in a different direction."

Andrew Bonham, BSc (Eng), BA, LLB, LLM (Tax Law)
Partner, Cunningham, Swan, Carty, Little & Bonham LLP

"After 20 years away from academic institutions and being a non-practising lawyer, I was somewhat daunted at the prospect of returning to school. *Osgoode's* LLM in Tax Law exceeded my expectations and has re-kindled my love of learning and of the law. The quality of instruction, discussion and research resources were fantastic. This program has imbued in me a new drive to succeed and brought a whole new dimension to my work. I am now working on a book based on my research and am already contemplating further study. This program was professional and academic rejuvenation writ large."

Trevor R. Parry, MA, LLB, TEP, LLM (Tax Law)
Executive Vice President, Gordon B. Lang Associates

FACULTY INCLUDES

Kim R. Brooks, Dean and Weldon Professor of Law
Schulich School of Law, Dalhousie University

Neil Brooks, Professor, Osgoode Hall Law School

Joseph Frankovic, Adjunct Professor, Osgoode Hall Law School

Michael Friel, Associate Dean and Director, Graduate Tax
Program, Levin College of Law, University of Florida

Ed Kroft, Partner, Blake, Cassels & Graydon LLP

Robin MacKnight, Partner, Wilson Vukelich LLP

Amin Mawani, Associate Professor, Schulich School
of Business, York University

K. A. Siobhan Monaghan, Partner, Davies Ward
Phillips & Vineberg LLP



DEGREE REQUIREMENTS

The degree requirements will be satisfied upon the completion of 36 credits. These credits can be obtained by either coursework or a blend of coursework and a Major Research Paper. Students who elect to do the degree by coursework only must write a Significant Research Paper (30 pages) as the means of evaluation in one of the courses within the specialization. Please visit www.osgoodepd.ca for required and elective course information.

PROGRAM FORMAT

Courses will be offered in a combination of weekly and intensive formats. Videoconferencing is available for most courses, although occasional in-person attendance in Toronto is required. Please visit the OsgoodePD website for complete details. Note: Faculty, curriculum, course descriptions and degree requirements are subject to change without notice.



Osgoode Professional Development has been approved as an Accredited Provider of Professionalism Content by the LSUC. All OsgoodePD LLM courses are eligible for substantive CPD hours and those containing professionalism hours are noted on the website. Please email cpd@osgoode.yorku.ca for specific information and for CPD/MCLE hours with other regulatory bodies.

Knowledge of tax law is essential in any business environment – and the study of it is intellectually fascinating. This Professional LLM program that can be done either part-time for two years or full-time for one year offers students an opportunity to gain a broad and deep understanding of the policies, principles and the internal logic of tax laws in Canada and beyond. It covers all aspects of tax law from the most basic rules underlying traditional personal tax planning principles to current developments in the sophisticated design of financial instruments. Courses are taught by a diverse range of scholars and practitioners, all of whom are leaders in their areas of teaching and practice.

COURSE DESCRIPTIONS

Required Course

Tax Policy, Statutory Interpretation and the Foundations of the Taxation of Individuals [6 credits]

This course deals with the various theories of tax interpretation and styles of tax analysis and then covers, at an advanced level, the following matters: (1) The basic principles, theories, and tools of analysis needed for serious discussion of tax policy and planning issues and the philosophical, accounting, financial and economic concepts from which the various logics of tax are derived. (2) Recent theories of statutory interpretation along with trends in the judicial interpretation of tax laws. The need for, and problems with, implementing anti-avoidance rules are also examined; and (3) An examination of changing conceptions of the deep structure that underlies the income tax system. Detailed aspects of computing personal and business income are examined through a review of recent tax cases and legislative amendments.

Elective Courses

Tax Administration and Litigation [3 credits]

In this elective, the structure of the Canadian tax system and the theoretical and practical issues that arise in its administration are covered; the role of the Department of Finance, administration of the *Income Tax Act* by the Canada Revenue Agency (CRA), civil and criminal sanctions, methods of proof, CRA prosecution policies, investigative techniques, processing procedures, search warrants, *Charter* rights and lawyer-client privilege, defending criminal prosecutions, tax court practice, and issues in international tax enforcement.

The Taxation of Trusts and Estates [3 credits]

Topics covered include: general concepts and types of trusts for tax purposes, the taxation of trusts and their distributions, transactions in capital and income interests of trust, Canadian trusts with non-resident beneficiaries and non-resident trusts with Canadian resident beneficiaries, and using trusts in estate and tax planning. The deemed disposition of capital property on death and the various methods of estate freezes will also be examined, as well as the application of the income attribution rules.

Advanced Taxation of Corporations and Shareholders [6 credits]

This course examines advanced income tax problems relating to the tax treatment of corporations and their shareholders, including: the decision to incorporate; considerations when capitalizing a corporation; the use of professional, personal services, and executive management corporations; the small business deduction and problems of associated companies; remuneration of owner manager; transferring assets to a private corporation; tax considerations in buying or selling a business; utilization of corporate losses; acquisition strategies; statutory amalgamations, arrangements, and continuations; liquidations; and de-mergers and reorganizations of capital.

International Taxation [3 credits]

International taxation topics covered in this course include: jurisdiction to tax; the foreign affiliate system; foreign tax credit; corporate immigration; emigration and continuance, aspects of transfer pricing; ownership and financing of overseas operations of Canadian companies; structuring foreign joint ventures, financing US affiliates, cross-border mergers and de-mergers and other forms of corporate reorganizations; alternative inbound investment structures; international finance companies, computer software; cross-border issues; and issues relating to tax treaties.

Overview of US Taxation and Recent Developments [3 credits]

Students will analyze the income tax provisions of the *United States Internal Revenue Code* of 1954, as amended, with an emphasis on business and investment transactions, including those of Canadians doing business and investing in the United States. Canadian tax practitioners will also be interested in the review of recent developments in the United States.

Managerial Tax Planning [3 credits]

The objective of this course is to introduce students to an integrative approach to tax planning. A framework is developed that fully integrates tax planning with business planning through the use of six key concepts: the government as business partner, implicit taxes, the Pareto principle, the Coase theorem, agency costs and a multi-period perspective. The importance of these concepts is explored by applying them to a diverse range of tax planning issues.

Partnerships and Tax Shelters [3 credits]

Students will explore the range of business vehicles, other than corporations, that are used to achieve business and tax objectives such as partnerships, limited partnerships, income and other commercial trusts, limited liability corporations, other forms of incorporated partnerships, and tax exempt investment structures.

Taxation of Financial Instruments [3 credits]

This course scrutinizes the current Canadian law and the basic policies relating to the taxation of financial instruments including all forms of derivative instruments. It compares the Canadian law in this developing area to the experience in other jurisdictions, in particular, the United States, Australia and New Zealand.

Tax Treaties: Policy, Application and Interpretation [3 credits]

In this course, students will undertake a detailed study of Canada's bilateral tax treaties. To provide a foundation for the study of specific treaty articles, the course includes a review of the underlying principles of international taxation and a discussion of approaches to tax treaty interpretation. The core of the course will involve a detailed review and evaluation of the design of the specific treaty articles, including the articles that govern business and professional income, employment income, real property income, dividends, interest, royalties, and capital gains. A discussion

of the use of tax treaties in tax planning, the ways by which tax treaties are used as tools for tax avoidance, and the mechanisms available in treaties to facilitate compliance, enforcement, and information collection will also take place.

Taxation of Corporate Reorganizations [3 credits]

This course provides a deep, comprehensive and applied approach to some of the most critical and problematic areas of corporate reorganization taxation encountered by tax practitioners. Issues covered include transfer of property to a corporation, reorganizations into corporate form, reorganizations of the capital of a corporation, transfers of property out of a corporation, the termination of the existence of a corporation and migrations of corporations into and out of Canada. The in-depth, applied approach reviewed in the course will enable practitioners involved in tax planning to research and apply the tax law and requirements applicable to corporate reorganizations.

Major Research Paper [6 credits]

A Major Research Paper (MRP) of approximately 70 pages may be completed on a topic in tax law, provided appropriate supervision is available. The MRP should go beyond merely describing legal developments to include independent critical analysis of its subject matter. The final paper is marked on a pass/fail basis.


TUITION AND FEES

The 2014/2015 tuition, which includes both years of the Professional LLM program, is \$21,888.45 for domestic students and \$31,783.50 for international students, plus supplementary fees. Tuition and supplementary fees are payable in six installments for the part-time option or three installments for the full-time option. A \$15 administrative fee is levied by the Faculty of Graduate Studies each term. Tuition and supplementary fees are set by the York University Board of Governors and are subject to change at any time. Please visit the tuition section on our website for a breakdown of fees and complete details.

Fees include the required course materials. Where assigned, textbooks are provided in hard copy and all other course materials and readings are provided in electronic format only. An additional charge will apply to any shipping of materials outside of Canada. Videoconference participants are required to purchase the necessary hardware and software. Light meals are provided for students attending classes in person in Toronto.

FOR MORE INFORMATION

 admissions-opd@osgoode.yorku.ca

 416.673.4670 or toll free within
Canada at 1.888.923.3394



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