

# 6TH ANNUAL RECENT DEVELOPMENTS AND COMPLEX ISSUES IN PROPERTY & EQUALIZATION



A faculty of senior practitioners will provide in-depth and practical guidance on key issues, including:

- Most important cases of the past year and their likely impact
- Creative ways to fund equalization payments
- Grounds to pay an equalization payment over time
- Corporate issues in family law
- Bankruptcy issues in family law
- Tax issues on equalization payments and property
- Estate and trust issues in family law
- Pension issues - spousal rights on equalization

Register today at:

[osgoodepd.ca/property](http://osgoodepd.ca/property)

## Program Chairs:

**William Abbott,**  
MacDonald & Partners LLP

**George Karahotzitis,**  
Thomson, Rogers

## Program Details:

### DATE AND TIME

**April 5, 2017**

**9:00 a.m. to 4:00 p.m. EST**

**In Person or Webcast**

### LOCATION

**Osgoode Professional  
Development**

1 Dundas St. West, 26th Floor  
Toronto, ON

### ONLINE REPLAY

**May 8, 2017**



# Property and equalization issues are front and centre in family law.

A comprehensive understanding of the current and more complex areas of this practice are critical for any professional practicing in this field.

Pension division, corporate issues, tax implications, bankruptcy implications, funding and payment of equalization are not your everyday property issues. With each new decision and legislative amendment, you need the very latest information to effectively represent your clients.

This OsgoodePD program, designed and taught, by acknowledged experts in the field, will provide you with a thorough review of some of the most challenging aspects of property and equalization matters.

You will walk away from this course with a better understanding of these issues, equipped with practice tips, strategies, and tactics to improve your practice.

## What You Will Learn

- Most important family law cases of the past year and their likely impact
- The Pension Benefits Act & its intersection with family law
- Family law & trusts
- Recent developments in corporate and shareholder litigation in the context of family law disputes
- The implications of bankruptcy declaration on property & equalization
- Jointly owned assets and bankruptcy
- When will a Court allow an equalization payment to be paid over time pursuant to section 9 (4) of the FLA
- Funding an equalization payment

## Who Should Attend?

- Family Lawyers
- General Practitioners practicing family law
- Law Clerks

## Agenda

**8:30**

**Continental Breakfast**

**9:00**

**Welcome from the Chairs**

**William Abbott**, MacDonald & Partners LLP

**George Karahotzitis**, Thomson, Rogers

**9:05**

**The Most Significant Recent Judicial Decisions Affecting Property Matters in Family Law**

**Gary Joseph**, MacDonald & Partners LLP

Property issues in family law continue to develop at a rapid pace. This opening session will highlight and analyze some of the most important cases of the past year, and assess their likely impact.

**9:45**

**Division of Pension Benefits**

**Deborah McPhail**, Senior Legal Counsel, Financial Services Commission of Ontario

This session will highlight the role of FSCO and Pension & Benefit Entitlement in view of the current regime and recent case law:

- The regime under the Pension Benefits Act
- Pension Division and Transfer Options
- Recent decisions

**10:30**

**Refreshment Break**

10:45

## Family Law & Estate Matters

**Ian Hull**, Hull & Hull LLP

There is often a direct connection with estate matters and family practitioners. With a marriage breakdown comes issues of estate and trust planning, especially in circumstances where the couple has young children or where the couple is in a common-law relationship. We will cover these issues and address some practical solutions to the inter-disciplinary aspects of these areas of the law.

- Family Law issues and Trusts
- Dependant Support Claims
- Joint Assets Claims
- Recent Case-Law update

11:30

## Corporate Issues in Family Law

**Robert Centa**, Paliare Roland LLP

**Harold Niman**, Niman Gloom & Associates

The panel will explore recent developments in corporate and shareholder litigation in the context of family law disputes including:

- Oppression remedies, receiverships and wind-up orders, vesting orders
- lifting the corporate veil for enforcement purposes
- Disclosure from advisors, third parties, and related corporations including sealing orders
- Opinion evidence regarding the valuation of closely held corporations

12:30

## Networking Luncheon

### Keynote Address:

**Dan Pinnington**, Lawpro, Ethical Issues, Professionalism, Civility & Risk Management in Family Law Practice

1:15

## Property, Equalization & Tax Implications

**Brian Cohen**, Dentons

This session will discuss the following:

- The application of the attribution rules before and after separation
- The principal residence exemption -how many do you get?
- The Courts' Views on Net family property freezes

2:00

## Refreshment Break

2:15

## The Impact of Bankruptcy Declaration on Property & Equalization

**Robert Klotz**, Klotz Associates

In this session we will discuss the implications of bankruptcy declaration on property & equalization, including:

- Can you protect your client's assets
- How do you deal with the Trustee when the other side goes bankrupt
- What happens with jointly owned assets
- How do you protect cost awards

2:45

## Creative Ways to Fund an Equalization Payment and Grounds for Making an Equalization Payment Overtime

**Stephen J. Cudas**, Epstein Cole LLP

**Neil Maisel**, CBV, Crowe Soberman LLP, Chartered Professional Accountants

- When will a court allow an equalization payment to be paid over time pursuant to s. 9(4) of the *Family Law Act*?
- How do you secure an equalization payment to be paid in the future?

- When does a divisive reorganization make economic sense?

3:15

## Lessons from the Court

**The Honourable Mr. Justice**

**Dale F. Fitzpatrick**, Ontario Superior Court of Justice

**The Honourable Mr. Justice**

**David A. Jarvis**, Ontario Superior Court of Justice

**The Honourable Madam Justice**

**Heather McGee**, Ontario Superior Court of Justice

In this session, a panel of Judges will highlight/analyze some of the most important property cases of the past year and assess their likely impact. In addition, the panel will enlighten us with:

- Advocacy tips on proving a property & equalization case
- Thoughts on compelling arguments and those not so compelling
- Dos & Don'ts when appearing on a property and equalization matter.

4:00

## Conference Concludes

“Struck the right note for senior counsel and those less familiar with family law concepts. Complex issues well explained and clarified.”

**Elisabeth Sachs**, Elisabeth Sachs Law Office

## Faculty Includes

### Chairs

**William Abbott**

MacDonald & Partners LLP

**George Karahotzitis**

Thomson, Rogers

### Faculty

**Stephen J. Codas**

Epstein Cole LLP

**Robert Centa**

Paliare Roland Barristers

**Brian Cohen**

Partner, Dentons

**The Honourable**

**Mr. Justice David A. Jarvis**

Ontario Superior Court of Justice

**The Honourable Mr. Justice Dale F. Fitzpatrick**

Ontario Superior Court of Justice

**Ian Hull**

Hull & Hull LLP

**Gary Joseph**

MacDonald & Partners LLP

**Bob Klotz**

Klotz Associates

**Neil Maisel, CBV**

Crowe Soberman LLP,  
Chartered Professional Accountants

**The Honourable Madam Justice Heather McGee**

Ontario Superior Court of Justice

**Deborah McPhail**

Senior Legal Counsel,  
Financial Services Commission of Ontario

**Harold Niman**

Niman Gloom & Associates LLP

## Registration Details

### Fee per Delegate

**\$525.00 plus HST**

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit [www.osgoodepd.ca/group-discounts](http://www.osgoodepd.ca/group-discounts) for details. Please inquire about financial assistance.

### Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

### Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



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