

Legal Affairs Update

June 2022

Introduction

The Legal Department is working diligently to advocate on issues that we believe are necessary for a robust, healthy charitable sector. A significant part of that comes from ensuring there is a favourable environment for faith-based charities to operate, but we always have a view to what is good for the sector as a whole. What have we been up to since our last update? Lots! Here are a few key highlights.

Court Cases

In April last year [we highlighted the case](#) of *Klassen v Star of the Sea Parish*, a human rights complaint in British Columbia. It was about whether or not the Parish had a reasonable justification for not renting its hall to the White Rock Pride Society for a Pride event. CCCC applied for and [was granted intervenor status](#) to present written arguments to the Tribunal.

The hearing was originally scheduled for January 2022 and then rescheduled for May 2022. Last month, the hearing was adjourned, and the parties may resolve the matter outside of the Tribunal. Should the hearing be rescheduled, CCCC will revive our intervention.

There are four Tribunal decisions related to the complaint, summaries of which are all available on the [Klassen Summary Page in our Knowledge Base](#).

Advocacy and Communication with Policymakers

We have been very active regarding [federal challenges to charitable status](#). The proposed amendments to the *Income Tax Act* would make certain anti-abortion charities ineligible for charitable status. We sent several letters to cabinet ministers, made the Department of Finance aware of our concerns, met with other stakeholder organizations, and prepared material for members who wanted to actively engage with policy-makers on the issue.

Other proposed amendments to the *Income Tax Act* would have a positive impact on the sector, and CCCC [has supported Bill S-216 and its predecessor, Bill S-222](#). These bills would remove the term “own activities” from the ITA and replace ‘direction and control’ requirements with ‘reasonable steps’ to ensure accountability.

Canada Summer Jobs (CSJ) continues to raise concerns and challenges. Some faith-based organizations are subject to additional scrutiny, usually in the form of government concerns about statements of faith or community covenants found online or in news reports. In response, [we created new CSJ resources](#), and we're currently [conducting a preliminary survey](#) (open until June 30, 2022) to hear more from and better support our members through the CSJ process.

Our seat on Canada Revenue Agency's [Technical Issues Working Group](#) was again renewed for a two-year term. This group meets several times per year to discuss guidance products, challenges and successes with CRA programs and platforms, and to raise emerging issues or long-standing issues that need attention.

CCCC also participated in the Department of Finance [Disbursement Quota submissions](#), advocating for caution and thorough examination to ensure any changes would effectively address concerns about funding within the sector. We also engage in other, unseen matters, such as raising and resolving routine issues such as receipting regulations.

CCCC attended a recent [Muttart Consultations](#) program which brings the sector and the government together over a two-day period for a full discussion on a regulatory topic focused on one issue.

Research & Writing

We also actively engage in the legal sector through Ontario Bar Association (OBA) Section Executives, both the Charity and Not-for-Profit section, where Deina serves as Newsletter Editor and the Constitutional, Civil Liberties and Human Rights section, where Deina serves as Secretary. What does that look like? You can check out the [Charity Law Articles here](#), and you can read more about a recent [Professional Development program on Emergencies Act legislation](#) that Deina co-chaired.

There's also a co-authored paper in the works that highlights the importance of freedom of conscience, particularly as it relates to physicians and the legalization/expansion of medical assistance in dying (euthanasia).

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