

Measure		Yes	No	Not Sure	N/A	For More Information
1	Understanding Your Legal Status					
a.	Are you an unincorporated association or trust?					Many organizations that are registered charities may be unincorporated associations or trusts and not incorporated entities. You might want to consider incorporating and having CRA transfer over your charity number to the new corporation. There are many advantages of being incorporated but incorporating is not required. If you do incorporate in most cases, it is best to incorporate as a Federal non-profit corporation under Canada Not-for-profit Corporations Act ("CNCA") and not under provincial jurisdictions.
	- if yes, do you have an updated copy of your constitution or trust deed any amendments?					
b.	Are you an incorporated organization (either federally or provincially)?					<p>Review your governing documents such as articles of incorporation/letters patent for this information, but if you don't have these, then try searching the free Corporations Canada database to at least eliminate the possibility you are a federal corporation.</p> <p>www.ic.gc.ca/app/scr/cc/CorporationsCanada/fdrlCrpSrch.html?locale=en_CA</p> <p>For Ontario corporations, as of October 19, 2021, you can search the Ontario Business Registry to see if your organization is an Ontario non-profit corporation: www.ontario.ca/page/ontario-business-registry</p> <p>Some organizations that are trusts or unincorporated associations will not be affected by either the CNCA or ONCA.</p> <p>See our online courses:</p> <p>Blumbergs' Canadian Charity Law Boot Camp 2024 (Online)</p> <p>Should We Establish a Canadian Social Enterprise, Non-Profit or Charity and How to Do It?</p>

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	<p>- if yes, do you have a copy of your incorporation documents such as articles of incorporation (and articles of amendments) or letters patent and supplementary letters patent?</p>					<p>If you are a Federal corporation, you can request copies of articles and by-laws from Corporations Canada. Find your corporation on Corporations Canada's Search for a Federal Corporation and once you have found your corporation click "Order copies of corporate documents." As of January 15, 2020, you can obtain those documents from Corporations Canada for free.</p> <p>If you are an Ontario corporation, you can search the Ontario Business Registry at www.ontario.ca/page/ontario-business-registry and your governing documents such as the letters patent and supplementary letters patent should be on the Ontario Business Registry for a small fee. The Ontario government does not keep copies of non-profit by-laws.</p> <p>Also, if you are a registered charity, the Canada Revenue Agency may have copies of some of these documents, but they could be outdated as some registered charities have failed to provide updated copies to CRA. You can request those documents from CRA at the link for "Request for registered charity information".</p>
c.	Have you reviewed your governing documents to ensure that they are up-to-date and appropriate for your needs?					
d.	If you are an Ontario corporation, have you recently conducted a corporate profile report to check that the listed registered office, directors and officers are accurate and that your corporation is active?					
e.	If you are a Federal non-profit Corporation under the CNCA, have you recently searched the Corporations Canada database to check that the listed registered address, directors and officers are accurate and that you have made your necessary filings?					<p>Some of the common mistakes made by CNCA corporations that are potentially visible on the Corporations Canada database are:</p> <ul style="list-style-type: none"> • old, registered office address; • old directors listed and new directors not listed; • using residential addresses is no longer required, and some directors may prefer that a different address (address for service such as the registered office) is used for privacy reasons; • the number of directors does not seem to be consistent with the requirements of the articles of the corporation;

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						<ul style="list-style-type: none"> the Form 4022 – Annual Return has not been filed for the necessary years; being incorrectly listed as a non-soliciting corporation when it is soliciting; and when you are a soliciting corporation failure to file financial statements. (This is in addition to the requirement for registered charities to file financial statements with CRA along with their T3010.) when you are a soliciting corporation, then you have at least 3 directors, of which 2 are neither officers or employees of the corporation or an affiliate of the corporation. <p>Corporations Canada has begun a program to dissolve federal non-profit corporations that have not filed their annual returns.</p>
f.	Your charity files necessary corporate returns.					<p>For Federal CNCA corporations see our online course:</p> <p>Running and Maintaining a Federal Non-Profit Corporation under the CNCA – An Introduction</p>
g.	Is your liquidation or dissolution clause appropriate for your charity?					
h.	If you are an Ontario non-profit corporation formerly under the <i>Ontario Corporations Act</i> and now under ONCA, do you have a plan to bring your corporation into compliance with the new requirements under ONCA?					<p>If you are an Ontario corporation, you may want to consider instead of changing your letters patent and by-law to be compliant with ONCA rather continuing into the Federal jurisdiction under the Canada Not-for-profit Corporations Act (CNCA). There are a number of advantages of this approach. It will not work for all Ontario non-profits. Here are some resources that may be of assistance:</p> <p>See our ONCA directory</p> <p>Options for dealing with ONCA for Ontario non-profit organizations under the OCA</p> <p>20 Ways We May Be Able To Help You With ONCA</p> <p>The objects of many Ontario non-profits that are registered charities might not be charitable or appropriate</p>

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						<p>Ontario charities under ONCA and grants to qualified donees - Ontario is a little more complicated than other provinces</p> <p>Some updated information the Ontario Public Guardian and Trustee relating to new Ontario Not-For-Profit Corporations Act (ONCA)</p> <p>Presentation "The Role of the Public Guardian and Trustee Under ONCA" from the OPGT</p> <p>Blumbergs launches updated Ontario Not-for-Profit Corporations Act (ONCA) Suitcase</p> <p>New Ontario Business Registry (OBR) launched today</p> <p>Reminder to Ontario non-profit corporations that the Ontario Business Registry (OBR) is often the least expensive way to obtain a search or do filings</p> <p>Ontario Not-for-Profit Corporations Act ("ONCA") – only a little more than one year for groups to make changes and for some this may not be enough time</p> <p>For Ontario non-profit corporations under the OCA see our online course: Ontario not-for-profit corporations under the Ontario Corporations Act and dealing with ONCA</p> <p>Why it is difficult to provide an estimate for legal services relating to ONCA transition or CNCA continuance for an existing non-profit or charity or registered charity</p>
i.	Are the objects/purposes of your organization up-to-date and relevant for the current work of your non-profit?					In some cases, it may make sense to update the organization's objects as part of the corporate changes. It is important to remember that all registered charities should ask CRA for pre-approval of these revised objects and provide CRA with a detailed description of activities, which can take about 6 months, so this is an example of something that you may wish to start sooner rather than later.
j.	Do you have a copy of your most recent by-law?					

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k.	Are your by-laws up to date and reflective of the governance practices that you wish to practice?					<p>If you want to update your by-law and you are a Federal CNCA corporation, it is typically best to start with a new by-law based on Corporations Canada's model by-law or something similar to that.</p> <p>If you are an Ontario non-profit corporation that was formerly under the Ontario Corporations Act and now is under ONCA you might wish to either:</p> <ol style="list-style-type: none"> 1) Change your governing documents such as letters patent and supplementary letters patent and by laws to conform with ONCA. You have until October 19, 2024, to complete that process. 2) Move from the Ontario non-profit act to the CNCA i.e., continue (transfer) to the Federal CNCA. <p>For Ontario non-profit corporations under the OCA, see our online course: Ontario not-for-profit corporations under the Ontario Corporations Act and dealing with ONCA</p>
l.	Do you know who your members are and do you have an updated list?					<p>If there is more than one membership class, do you know the attributes of each class (i.e., name, notice, vote, etc.)? Members are like shareholders in a for-profit company, except that members don't own the corporation, they control it. Under both ONCA and CNCA, members will have more rights. In some cases, non-voting members will even get to vote. Because of this, your organization may wish to clarify who will be the members in the future.</p> <p>Decisions around membership are probably the most important decisions that a non-profit or charity must make. Here is our online course: Membership of Non-Profits and Charities in Canada</p>
m.	Does the organization want to maintain its current name or change its name?					<p>If you want to change your name, you will need to have a NUANS search prepared, amend your governing documents and, if a registered charity, then advise CRA and others of such amendment.</p>
n.	Do you have a current list of directors and officers?					

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o.	Does your charity have an annual general meeting of members (AGM) every year?					For ONCA and CNCA corporations the AGM must be within 6 months of the end of your fiscal year. Proper notice needs to be given including financial statements.
p.	Do you keep minutes of your AGM?					
q.	Have you scheduled your next AGM?					For some organizations that have large memberships, it is important to consider corporate changes that can be piggybacked on to the regularly scheduled AGM – otherwise having a special members meeting can be time-consuming and expensive.
r.	Are you up-to-date in the corporate filings for your organization?					If not, you may want to do arrears in filings.
s.	Do you regularly keep copies of minutes of directors' meetings?					
2	Registered Charity Status					
a.	Have you confirmed that you are a registered charity on the CRA's Charities Listing?					https://apps.cra-arc.gc.ca/ebci/hacc/srch/pub/dsplyAdvncdSrch CRA's Charities Listing For registered charities see our various online courses including Top 20 Charity Law Issues for Canadian Registered Charities
b.	CRA has your correct contact information.					See CRA listing https://apps.cra-arc.gc.ca/ebci/hacc/srch/pub/dsplyAdvncdSrch You can let CRA know if your contact information is not accurate through the Digital Services for Charities (MyBA) or by mailing CRA.
c.	Is your CRA designation as a charitable organization, public foundation, and private foundation correct?					If you are a public foundation, this resource may be helpful: CRA's List of Areas of Non-Compliance with Income Tax Provisions - Canadian Public Foundations If you are a private foundation, these resources may be helpful: CRA's List of Areas of Non-Compliance with ITA Provisions for Canadian Private Foundations Top Fallacies about Private Foundations in Canada

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d.					<p>You should review the Notification of Registration as it can have specific requirements that apply to your charity. If you don't have a copy of your notification of registration, it is a public document and can be requested on the CRA website.</p> <p>www.canada.ca/en/revenue-agency/services/charities-giving/charities/request-registered-charity-information.html</p>
e.					If your charity ever entered into a compliance agreement with CRA, have you complied with it?
f.					If you ever changed your objects in the past, has CRA been provided and approved the revised objects to CRA?
g.					Do you have copies of all correspondence from and to CRA?
3 Important Documents					
a.					If the charity owns land, does it have title documents?
b.					If the charity has a mortgage, do you have the mortgage documents?
c.					If the charity is leasing space, do you have a copy of the lease and any amendments?
d.					<p>Some common policies include a conflict of interest policy, HR policies, gift acceptance policy, policies relating to internal controls and financial procedures, reserve fund policy, safeguarding policy dealing with vulnerable beneficiaries, expense policy, investment policy, privacy policy, data protection policy, and volunteer recruitment and management policy.</p> <p>While registered charities are not required to have policies to be a registered charity, policies can, if appropriately drafted and implemented, assist the charity in fulfilling its mission. Poorly constructed policies can create confusion and increase the potential risk for charities. Also having lots of policies that are gathering dust might actually increase the risk for a charity. Different charities might have different needs – for example, a charity that is fundraising and has a reserve should have a reserve fund policy, whereas for other charities, it might just be a good idea.</p>

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e.	Do you have copies of recent financial statements and government filings?					
f.	Do you have copies of insurance policies, if any?					
g.	Do you have copies of major agreements affecting the charity?					See section on employment and gift agreements.
4 Filing Your T3010 Registered Charity Information Return						
a.	You have checked that you are a registered charity on the CRA's Charities Listing.					https://apps.cra-arc.gc.ca/ebci/hacc/srch/pub/dsplyAdvncdSrch CRA's Charities Listing For registered charities see our various online courses including: Fundamentals of the T3010 and Transparency for Canadian Charities Top 20 Charity Law Issues for Canadian Registered Charities
b.	Do you know the date of your fiscal year-end?					See previous T3010 or CRA listing at https://apps.cra-arc.gc.ca/ebci/hacc/srch/pub/dsplyAdvncdSrch which lists the fiscal year-end for each charity.
c.	Do you know when to file your T3010 and when do you have to file your T3010?					The T3010 is supposed to be filed within 6 months of the end of your charity's fiscal year. See CRA's guidance on filing dates at www.canada.ca/en/revenue-agency/services/forms-publications/publications/t4033/t4033-completing-registered-charity-information-return.html#_Toc412013111 Here is a helpful CRA infographic on filing dates. Unlike some other countries failure to file your T3010 can lead to a quick revocation within a few months and an arduous process for some groups to get the status back.
d.	You know who is responsible for filing the T3010 in your organization.					For larger organizations, the T3010 should be reviewed by various individuals from programming, finance, governance, fundraising as well as accounting and legal advisors before filing.

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e.	You always file your T3010 on time.					
f.	You are up to date with your T3010 filings.					
5 Ensuring Your T3010 is Correct and Complete						
a.	Have you reviewed your charity's past filings on www.CharityData.ca ?					It is often easier to see past mistakes when you review the T3010 filings on Blumbergs' portal www.CharityData.ca which shows up to 20 years of filings side by side. For a comparison of the CRA Charities Listing and Blumbergs' CharityData.ca website, see CRA's Charities Listing vs. Blumbergs' Charity Data 2023 .
b.	Have you reviewed CRA's guide to completing the T3010?					www.canada.ca/en/revenue-agency/services/forms-publications/publications/t4033/t4033-completing-registered-charity-information-return.html
c.	Are you filing your T3010 online through CRA's MyBA system? If not, are you using the correct form for the particular fiscal year?					CRA's My Business Account (MyBA) is a fast, secure and easy way for registered charities to file documents, access and update their CRA account information. For most charities it is better to file through the MyBA. It results in fewer mistakes when a charity inputs information into the form, the filing being processed quicker by CRA and eliminates CRA mistakes if CRA is inputting information by hand. There are also many other advantages of using the CRA MyBA system. www.canada.ca/en/revenue-agency/services/forms-publications/forms/t3010.html Reminder from CRA about filings for T3010, different forms required and importance of using CRA MyBA system
d.	Do you complete all the required information on the T3010?					View CRA's page on the T3010 www.canada.ca/en/revenue-agency/services/forms-publications/forms/t3010.html .
e.	Do you attach all required documentation when you file your T3010 such as financial statements, etc.?					A complete information return includes:

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					<ul style="list-style-type: none"> Form T3010, Registered Charity Information Return if applicable—Schedule 1, Foundations if applicable—Schedule 2, Activities outside Canada if applicable—Schedule 3, Compensation if applicable—Schedule 4, Confidential data if applicable—Schedule 5, Non-cash gifts if applicable—Schedule 6, Detailed financial information if applicable—Schedule 8, Disbursement Quota a copy of the charity's own financial statements, including notes to the financial statements Form T1235, Directors/Trustees and Like Officials Worksheet, with all the required information if applicable—Form T1236, Qualified donees worksheet / Amounts provided to other organizations if applicable—Form T2081, Excess Corporate Holdings Worksheet for Private Foundations if applicable—Form T1441, Qualifying Disbursements: Grants to Non-Qualified Donees (Grantees) <p>See CRA information of the complete T3010 filing at www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/t3010-charity-return-before-you-file.html.</p>
f. If you are having trouble with the T3010, you have checked CRA resources or called the CRA or obtained professional advice.					See CRA client services at www.canada.ca/en/revenue-agency/services/charities-giving/charities/contact-charities-directorate.html .
g. You have checked that you have not made some of the most common mistakes with the T3010					www.canada.ca/en/revenue-agency/services/charities-giving/charities/checklists-charities/t3010-checklist-avoid-common-mistakes-when-filing-your-return.html
h. You had your lawyer, accountant and board members who are knowledgeable about the form check the T3010 before it was filed.					This is not required, but it is a good practice to increase the likelihood of the T3010 being accurate. Changes in the 2012 Federal Budget allow CRA to suspend receipting privileges of a charity if their T3010 filing is incomplete. When we check draft T3010 filings we almost always find mistakes.
i. After filing the T3010, you have checked your T3010 online at the CRA website to ensure accuracy.					This is a best practice for larger organizations. See CRA Charities Listing at https://apps.cra-

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						arc.gc.ca/ebci/hacc/srch/pub/dsplyAdvncdSrch . Also, see Blumbergs' www.CharityData.ca for historical filings.
j.	If you have material errors in your previous filings, have you considered filing a notice of adjustment?					
k.	Beyond the T3010, have you considered how your charity can be transparent about its activities?					Some simple and free steps to increase your Canadian registered charity's transparency
6 Ensuring Your Donation Receipts Are Correct						
a.	You only provide official donation receipts for "gifts" when appropriate.					See definition of "gift" www.canada.ca/en/revenue-agency/services/charities-giving/charities/charities-giving-glossary.html#gift . See also P113 Gifts and Income Tax www.canada.ca/en/revenue-agency/services/forms-publications/publications/p113.html For registered charities, see our various online courses including: Receipting for Canadian Registered Charities Top 20 Charity Law Issues for Canadian Registered Charities
b.	You only provide receipts for donations to your organization (you do not act as a conduit or lend your registration to another organization such as a non-profit or foreign charity or undertake directed donations.)					www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/guidance-002-canadian-registered-charities-carrying-activities-outside-canada.html#toc14 or for an article on being a conduit, see: www.canadiancharitylaw.ca/blog/with_foreign_activities_what_is_the_difference_between_a_conduit_and_a_stru/ New CRA Guidance on Grants to Grantees: Some preliminary comments
c.	You understand the "split receipting" rules and ensure that any "advantage" is subtracted from the amount of the					

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	donation to determine the eligible amount of the official donation receipt.					www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/issuing-receipts/split-receipting.html Example of split receipting – someone pays \$100 to go to gala dinner. You subtract the advantage (food, door prizes, etc.) and then issue an official donation receipt for the donation minus advantage.
d.	You understand that the definition of "advantage" or benefit is what a donor may receive in return for his or her donation (for example, a meal, tickets to a show), and it must be taken into consideration when determining the eligible amount of a gift for receipting purposes.					www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/issuing-receipts/determining-fair-market-value-gifts-kind-non-cash-gifts.html
e.	You understand that advantage is very broad and some of the many possible advantages include property (for example, cash, non-cash gifts also called gifts-in-kind), the use of or enjoyment of property; the provision of services; and other benefits including but not limited to assumption of debt by charity, sponsorship, non-recourse loans, etc.					www.canada.ca/en/revenue-agency/services/charities-giving/charities/charities-giving-glossary.html
f.	All mandatory fields are included on your receipts.					<p>You can review CRA's checklist <i>Issuing complete and accurate donation receipts</i> www.canada.ca/en/revenue-agency/services/charities-giving/charities/checklists-charities/issuing-complete-accurate-donation-receipts.html or review CRA's sample receipts www.canada.ca/en/revenue-agency/services/charities-giving/charities/sample-official-donation-receipts.html</p> <p>The easiest way to create official donation receipts is to cut and paste the sample receipts from the Blumbergs' Receipting Kit. Unfortunately, CRA's sample receipts are now non-editable graphics. Our most up-to-date Blumbergs' Receipting Kit is now only available through our course Receipting for Canadian Registered Charities.</p> <p>The Finance Department announced changes to the mandatory fields in the 2024 Budget:</p>

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					Canadian Federal Budget 2024 and its impact on non-profits and charities
g. You always ensure that you have the correct donor on the receipt.					www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/policy-commentary-010-issuing-a-receipt-a-name-other-than-donor-s.html
h. You understand the definition of fair market value namely: <ul style="list-style-type: none"> Fair market value is normally the highest price, expressed in dollars, that property would bring in an open and unrestricted market, between a willing buyer and a willing seller who are both knowledgeable, informed, and prudent, and who are acting independently of each other. 					www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/issuing-receipts/determining-fair-market-value-gifts-kind-non-cash-gifts.html https://www.canada.ca/en/revenue-agency/services/charities-giving/charities/charities-giving-glossary.html
i. You understand that in certain circumstances under the deemed fair market value rules a charity must issue a receipt for the lesser of fair market value or the cost to the donor.					www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/issuing-receipts/deemed-fair-market-value-rule.html
j. You understand that if either the fair market value of a gift in kind or an advantage cannot be determined, an official donation receipt cannot be issued.					
k. You understand that the onus is on the charity to determine fair market value and that a charity cannot rely on a donor's valuation or view of fair market value.					
l. You are aware of the transactions that generally do not qualify as gifts and therefore no tax receipt is issued? For example: <ul style="list-style-type: none"> A court-ordered transfer of property to a charity; The payment of a basic fee for admission to an event or to a program; The payment of membership fees that convey the right to attend events, receive literature, receive services, or be eligible for entitlements of any material value that exceeds 80% of the payment, for example; A payment for a lottery ticket or other chance to win a prize; The purchase of goods or services from a charity; 					<p>For more information on receipting and Canadian charities, see: www.canadiancharitylaw.ca/blog/category/receipting_by_charities.</p> <p>Our most up-to-date Blumbergs' Receipting Kit is now only available through our course Receipting for Canadian Registered Charities.</p> <p>For registered charities see our various online courses including: Receipting for Canadian Registered Charities</p>

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<ul style="list-style-type: none"> • A donation for which the fair market value of the advantage or consideration provided to the donor exceeds 80% of the value of the donation; • A gift in kind for which the fair market value cannot be determined; • Donations provided in exchange for advertising/sponsorship; • Gifts of services (for example donated time, labour); • Gifts or promises (for example gift certificates donated by the issuer, hotel accommodation); • Pledges; • Loans of property; • Use of a timeshare; and • The lease of premises. 					Accepting cryptocurrency for donations or payments can be quite risky for Canadian charities unless you know what you are doing
7 Gift Acceptance and Restricted Gifts					
a. Does your charity have a gift acceptance policy?					While not required, it can be a very useful document helping a charity, its fundraisers and board navigate sometimes difficult gift acceptance issues such as when to refuse a gift, what is appropriate recognition, what types of restrictions are appropriate, who decides on various issues, what clauses will be included in all agreements involving restricted gifts, etc.
b. Does your charity have one or more standard gift agreement with necessary clauses to protect the charity?					All standard gift agreements should have an amendment clause and if it is a restricted gift then a variation clause.
c. Do you keep all gift agreements for as long as necessary?					
d. If your charity has endowments or other types of restricted gifts, are you complying with the endowment or other restrictions?					<p>Restricted gifts can result in numerous problems including:</p> <ul style="list-style-type: none"> • funds not being used efficiently or not being used at all • significant managerial time expended • increase in legal costs • time-consuming court applications, conflicts with the donor (or their descendants) to determine how to proceed with the gift <p>Unless carefully considered and managed with appropriate agreements, charities should not be agreeing to restrictions unless they can and will be able to comply with those restrictions.</p> <p>For registered charities see our various online courses including</p>

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						Restricted Gifts – Managing the Opportunities and Dangers of Restricted Charitable Gifts
e.	If your charity has endowments or other types of restricted gifts, do you have a list of all restrictions and requirements in all agreements?					
f.	If your charity is making a broad fundraising appeal for a special purpose, such as a new hospital wing or helping people in a specific disaster, has your charity included a caveat for a secondary purpose in the event circumstances change or there are more or less donations than required?					For registered charities see our various online courses including: Restricted Gifts – Managing the Opportunities and Dangers of Restricted Charitable Gifts
g.	If you have gifts that have a restricted purpose, are there alternative purposes provided if it becomes impossible or impractical for the gift to be used as originally intended or for capital to be encroached on if income is insufficient?					See BC Supreme Court in Re Mulgrave School Foundation
h.	Do you understand whether they are externally or internally restricted and whether the gift agreement provides the flexibility to make changes to the purpose or administration of the gift?					See BC Supreme Court in Re Mulgrave School Foundation All gift agreements, and especially those with restrictions, should have an amendment clause. There are many models of amendment clauses but without an amendment clause, the charity and donor, even if they agree, generally will not be able to change the gift without court approval.
i.	If you have endowments, do you have the ability to encroach on capital in certain extenuating circumstances or if there is not enough income to be utilized effectively?					
j.	If you have endowments, do you have a provision that allows borrowing from the capital in certain circumstances?					
k.	Have you read about gift acceptance issues, gift acceptance policies and gift agreements.					
l.	When donors request information on bequests is your response or package accurate?					
8 Religion and Religious School Tuition Receipts						
a.	If you are a religious charity, have you read CRA's draft guidance on advancing religion?					

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						CRA's Draft Guidance Advancement of religion and charitable registration is released through ATIP Another version of CRA's guidance on advancement of religion released in an access to information request
b.	If your charity is a religious school and is issuing receipts for the religious portion of tuition, is it in compliance with CRA's circular IC 75-23?					www.canada.ca/en/revenue-agency/services/forms-publications/publications/ic75-23/tuition-fees-charitable-donations-paid-privately-supported-secular-religious-schools.html
9 Fraudulent Tax Receipts						
a.	Your charity locks away your receipting book or uses a secure password on any computer or program that produces official donation receipts.					For registered charities see our various online courses including: Receipting for Canadian Registered Charities Top 20 Charity Law Issues for Canadian Registered Charities
b.	Your charity maintains tight controls over who can issue receipts in order to avoid the issuance of fraudulent or improper tax receipts.					
c.	If you suspect someone has issued fraudulent receipts on behalf of your charity, you have advised CRA or the police?					
10 Charity Gifting Tax Shelters						
a.	Your charity avoids any involvement with "abusive tax shelter gifting arrangements" which offer that people can make money on a charitable donation.					For information on what are abusive tax shelters see: www.canada.ca/en/revenue-agency/services/charities-giving/giving-charity-information-donors/making-a-donation/donation-tax-shelter-schemes.html For registered charities see our various online courses including: Receipting for Canadian Registered Charities Top 20 Charity Law Issues for Canadian Registered Charities

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11	Acting Outside Legal Objects					
a.	You periodically review the legal objects in your charity's articles of incorporation/letters patent, trust deed or constitution to ensure all the activities of your charity are within your legal objects.					<p>All charitable activities (or gifts to qualified donees) should be within the scope of your charitable purposes or charitable objects.</p> <p>Remember that the original objects in your letters patent or articles of incorporation may have been subsequently amended by another letters patent or articles. Ensure that you are reviewing the correct objects.</p> <p>Now might be a good time to look at your charity's legal objects and whether they should be changed</p> <p>Objects of registered charities in Canada are sometimes not charitable</p>
b.	If activities are outside the scope of your objects, you have discontinued those activities or decided to modify your objects.					
c.	If you are modifying your legal objects, you have first obtained CRA's approval for the changes (by submitting the new proposed objects and a detailed description of activities to CRA) and secondly provided CRA with a copy of the supplementary letters patent or articles of amendment after they have been changed.					<p>See CRA's Guidance CG-019, How to draft purposes for charitable registration.</p> <p>See CRA's Model purposes and CRA's page Changing a charity's purposes</p>
d.	If you are an Ontario non-profit corporation, formerly under the Ontario <i>Corporations Act</i> and now under the new Ontario act (ONCA), you have plan for bringing your corporation into compliance with ONCA or move your corporation to being a Federal non-profit corporation under the Canada Not-for-profit Corporations Act ("CNCA")					<p>See Blumbergs' ONCA blog directory</p> <p>For Ontario non-profit corporations under the OCA see our online course: Ontario not-for-profit corporations under the Ontario Corporations Act and dealing with ONCA</p>
12	Non-Charitable Activities					
a.	<p>The charitable purposes recognized by CRA are:</p> <ul style="list-style-type: none"> • The relief of poverty; • The advancement of education; • The advancement of religion, or 					<p>See CRA Checklist <i>Engaging in Allowable Charitable Activities</i> www.canada.ca/en/revenue-agency/services/charities-giving/charities/checklists-charities/engaging-allowable-activities.html</p>

Measure		Yes	No	Not Sure	N/A	For More Information
	<ul style="list-style-type: none"> Other purposes that are beneficial to the community in a way the law regards as charitable. 					
b.	You only conduct non-charitable activities such as fundraising, administration, business, and social activities within the limits prescribed by law.					Other acceptable activities permitted within certain limits www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/activities/other-acceptable-activities-permitted-within-certain-limits.html
13	Funding Non-Qualified Donees in Canada and abroad					
a.	You understand the rules relating to Canadian charities working with non-qualified donees whether in Canada or outside of Canada. There are the "direction and control" rules and also the "grant to grantee" rules under qualifying disbursements.					<p>See the CRA's <i>Guidance for Canadian Registered Charities Carrying out Activities Outside Canada</i> www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/guidance-002-canadian-registered-charities-carrying-out-activities-outside-canada.html or</p> <p>CRA's <i>Guidance Using an Intermediary to Carry Out Charitable Activities within Canada</i> www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/using-intermediary-carry-a-charitys-activities-within-canada.html?rss</p> <p>In the April 7, 2022, Canadian Federal budget there was a proposal to allow a different approach if a Canadian registered charity does not wish to use direction and control when making grants to non-qualified donees. They introduced the concept of a qualifying disbursement. This change was passed in June 2022 and is now part of the Income Tax Act. Therefore, one now has a choice as a registered charity when dealing with a non-qualified donee as to whether to use a structured arrangement (with direction and control) or instead the new grant to grantees under the qualifying disbursement rules.</p> <p>CRA has recently released new CRA Guidance on qualifying disbursements but specifically focussed on grants to grantees. This article "New CRA Guidance on Grants to Grantees – some preliminary comments" is an initial and preliminary note on the CRA Guidance.</p> <p>See our directory on global giving: https://www.canadiancharitylaw.ca/blog/category/global_giving/ </p>

Measure	Yes	No	Not Sure	N/A	For More Information
					<p>You might find these resources helpful:</p> <p>Canadian Charities Conducting International Activities (2015)</p> <p>Canadian Charity Foreign Activity Legal Checklist - Working with Foreign Charities or Intermediaries (Direction and Control)</p> <p>Canadian charities are allowed to support the Canadian military but not allowed to support a foreign military</p> <p>Canadian Charities cannot support terrorism or listed terrorist organizations</p> <p>See our online online courses including:</p> <p>Foreign Activities and Canadian Charities</p> <p>Canadian Charities Working with Non-Charities in Canada Course</p>
b.	You know what a "qualified donee" is. If you don't know what a qualified donee is then you will not know what a "non-qualified donee" is!				<p>For a definition, see www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/qualified-donees.html</p> <p>A qualified donee is an organization that can issue official donation receipts under the Income Tax Act (Canada) for gifts it receives from individuals, corporations and others. It can also receive gifts from registered charities.</p> <p>A qualified donee can be on of the following:</p> <ul style="list-style-type: none"> • Registered Charities • Registered Canadian amateur athletic associations • Registered journalism organizations • Registered municipalities

Measure		Yes	No	Not Sure	N/A	For More Information
						<ul style="list-style-type: none"> • Registered municipal or public bodies performing a function of government in Canada • Registered universities outside Canada • Registered foreign charities that have received a gift from His Majesty in right of Canada • Registered low-cost housing corporations for the aged • His Majesty in right of Canada, a province, or a territory, and the United Nations and its agencies <p>All other individuals, organizations, entities, governments, movements, corporations, trusts, foreign charities, non-profits in Canada, celebrities, etc are non-qualified donees.</p>
c.	You only make "gifts" to qualified donees.					<p>We have a course which discuss charities that have only a qualified donee purpose clause, but it is also relevant to charities that have multiple purposes:</p> <p>Making gifts to qualified donees: Discussing a seemingly simple proposition.</p>
d.	If your charity provides resources or funds to organizations or individuals that are not qualified donees (such as foreign charities or Canadian organizations that are not registered charities), your charity either has a "structured arrangement" with these intermediaries that maintains "direction and control" or alternatively, uses the grant to grantees rules discussed below					<p>See With foreign activities what is the difference between a conduit and a structured arrangement? (Direction and Control)</p> <p>Canadian Charity Foreign Activity Legal Checklist - Working with Foreign Charities or Intermediaries (Direction and Control)</p> <p>See our directory of resources on Canadian charities carrying out foreign activities.</p> <p>What is a "development project" and how can this add further flexibility to foreign activities (Direction and Control)</p> <p>If you want to fund universities outside of Canada, see our article Foreign Universities Applying to be Registered Universities in Canada: What we have learned.</p> <p>See our online online courses including:</p> <p>Foreign Activities and Canadian Charities</p> <p>Canadian Charities Working with Non-Charities in Canada Course</p>

Measure		Yes	No	Not Sure	N/A	For More Information
	Direction and Control and Measures of Control					
e.	Conducting appropriate due diligence on intermediaries.					<p>See the CRA's <i>Guidance for Canadian Registered Charities Carrying out Activities Outside Canada</i> www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/guidance-002-canadian-registered-charities-carrying-out-activities-outside-canada.html</p> <p>Canadian Charity Foreign Activity Legal Checklist - Working with Foreign Charities or Intermediaries</p> <p>See our directory of resources on Canadian charities carrying out foreign activities.</p> <p>Canadian Charities Conducting International Activities (2015)</p>
f.	Entering into an appropriate written agreement with intermediaries with all necessary elements.					
g.	Agreeing on a detailed description of activities before sending funds or resources					
h.	Monitoring and supervising the activities.					
i.	Maintaining a real, ongoing, active relationship with your intermediary.					
j.	Providing periodic payments for larger projects.					
k.	Segregating funds.					
l.	Maintaining Books and Records in Canada of the activities.					
m.	You properly categorize foreign activities on the T3010 Registered Charity Information Return.					
	Grant to Grantees					
n.	Grants to Grantees					<p>In the April 7, 2022, Canadian Federal budget there was a proposal to allow a different approach if a Canadian registered charity does not wish to use direction and control when making grants to non-qualified donees. They introduced the concept of a qualifying disbursement. This change was passed in June 2022 and is now part of the Income Tax Act. Therefore, one now has a choice as a registered charity when dealing with a non-qualified donee as to whether to use a structured arrangement (with direction and control) or instead a grant to a grantee under the new qualifying disbursement rules. In almost all cases because of the complexity and lack of certainty of the new rules, registered charities will most likely want to rather use a structured arrangement with "direction and control" approach.</p> <p>CRA has recently released new CRA Guidance on qualifying disbursements but specifically focussed on grants to grantees. This article "New CRA Guidance on Grants to Grantees – some preliminary comments" is an initial and preliminary note on the CRA Guidance.</p>

Measure		Yes	No	Not Sure	N/A	For More Information
o.	If you make grants to grantees, you ensure that:					
	1. the disbursement furthers a <u>charitable purpose of the charity</u> ; and					This article " New CRA Guidance on Grants to Grantees – some preliminary comments " is an initial and preliminary note on the CRA Guidance .
	2. the charity <u>ensures</u> that the disbursement is <u>exclusively applied</u> by the grantee organization to <u>charitable activities</u> in furtherance of a charitable purpose of the charity; and					
	3. the charity maintains <u>documentation</u> sufficient to demonstrate the above.					
p.	If you are using a grant to grantee approach are you complying with CRA's recommendations of steps to take including but not limited to:					
	Establish how the grant activity furthers the charity's charitable purpose.					This article " New CRA Guidance on Grants to Grantees – some preliminary comments " is an initial and preliminary note on the CRA Guidance .
	Assess the grant's risk level – low, medium, or high – based on factors that may affect the charity's ability to meet the Income Tax Act requirements.					
	Determine how much due diligence the charity needs to apply through accountability tools based on the risk level.					
	Apply the accountability tools in collaboration with the grantee.					
q.	Document the charity's due diligence over the grant's duration in its books and records.					
r.	The charity has used CRA's matrix in their draft guidance to assess risk					
	The charity keeps books and records relating to the grants to grantees					
14 Fundraising Costs and Practices						
a.	If your charity fundraises then you, or someone else in your organization, has read and understands the CRA's Guidance <i>Fundraising by Registered Charities</i> (CG-013)(April 20, 2012).					CRA's Guidance <i>Fundraising by Registered Charities</i> www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/fundraising-registered-charities-guidance.html

Measure		Yes	No	Not Sure	N/A	For More Information
						For additional information on Canadian charities and fundraising see: http://www.canadiancharitylaw.ca/index.php/blog/category/fundraising_guidance_for_registered_charities/
b.	<p>You are aware that CRA in its Guidance on <i>Fundraising by Registered Charities</i> considers fundraising to be acceptable unless the fundraising is:</p> <ul style="list-style-type: none"> • a purpose of the charity (a collateral, non-charitable purpose); • delivering a more than incidental private benefit (a benefit that is not necessary, reasonable, or proportionate in relation to the resulting public benefit); • illegal or contrary to public policy; • deceptive; or • an unrelated business. 					<p>CRA's Guidance <i>Fundraising by Registered Charities</i> www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/fundraising-registered-charities-guidance.html</p> <p>See Blumbergs' directory of resources on fundraising.</p>
c.	None of the indicators of concern apply to your charity, such as:					
	1. Sole-source fundraising contracts without proof of fair market value.					
	2. Non-arm's length fundraising contracts without proof of fair market value.					
	3. Fundraising initiatives or arrangements that are not well-documented.					
	4. Fundraising merchandise purchases that are not at arm's length, not at fair market value, or not purchased to increase fundraising revenue.					
	5. Activities where most of the gross revenues go to contracted non-charitable parties.					
	6. Commission-based fundraiser remuneration or payment of fundraisers based on amount or number of donations.					
	7. Total resources devoted to fundraising exceeding total resources devoted to program activities.					
d.	8. Misrepresentations in fundraising solicitations or in disclosures about fundraising or financial performance.					
	You appropriately allocate fundraising expenditures according to the CRA's Guidance <i>Fundraising by Registered Charities</i> .					

Measure		Yes	No	Not Sure	N/A	For More Information
e.	You know your charity's ratios of cost to revenue, and the ratios are in line with CRA expectations.					
f.	Your ratio is below 35%?					
g.	You provide adequate disclosure and transparency of fundraising activities and costs.					
h.	You are following best practices as outlined in the CRA's Guidance <i>Fundraising by Registered Charities</i> , including:					
	1. Prudent planning processes					
	2. Appropriate procurement processes					
	3. Good staffing processes					
	4. Ongoing management and supervision of fundraising practice					
	5. Adequate evaluation processes					
	6. Use made of volunteer time and volunteered services or resources					
	7. Disclosure of fundraising costs, revenues, and practice (including cause-related or social marketing arrangements)					
i.	You are taking steps to reduce your fundraising costs if they are high.					
j.	When third parties, whether paid fundraisers or volunteers, are conducting fundraising on behalf of your charity you have an appropriate written agreement with such third party.					
k.	If you have reserves and are fundraising, you have a reserves policy which discusses the factors used by the charity to decide on what is appropriate reserve.					
l.	Your charity does not accept a gift the granting of which was expressly or implicitly conditional on the charity making a gift to another person, club, society, association, or organization that is a non-qualified donee.					Some new anti-avoidance or directed donation rules were brought into force in June 2022. It provides that a registered charity can be revoked when a registered charity "accepts a gift the granting of which was expressly or implicitly conditional on the charity, association or organization making a gift to another person, club, society, association or organization other than a qualified donee." There have always been rules that prevented conduits namely according to CRA guidance "a conduit is a registered charity that receives donations from Canadians, issues tax-deductible receipts, and funnels money without direction or control to an organization to which a Canadian taxpayer could not make a gift and acquire tax relief." This new directed donation rule could be more

Measure		Yes	No	Not Sure	N/A	For More Information
						restrictive than the conduit requirements. Charities are supposed to be fundraising for their charity, not for a non-qualified donee. New Qualifying Disbursement Rules and Directed Donations Anti-Avoidance Provisions Complicate Charity Regulation
m.	Has your charity agreed to be bound by any ethical codes or standards and if so are you complying with those codes?					
15 Failure to Meet Disbursement Quota						
a.	You understand that changes in the March 2010 Federal budget removed part of the disbursement quota, namely the 80/20 expenditure rule. From 2010 to 2022 registered charities needed to expend on charitable activities at least 3.5% of all assets not currently used in charitable programs or administration, if these assets exceed \$100,000 for charitable organizations or \$25,000 for public or private foundations. Assets not used for charitable or administrative activities may, for example, include reserves, endowments, investments, buildings owned by a charity but not used in charitable programs or administration. In 2023 the disbursement quota on assets over \$1 million will be increased from 3.5% to 5%. For property below \$1million it remains at 3.5%.					See CRA's information on meeting your disbursement quota www.canada.ca/en/revenue-agency/services/charities-giving/charities/checklists-charities/meeting-disbursement-quota.html Update on the Disbursement Quota and the Federal Budget 2022 For a discussion of the policy around increasing the disbursement quota see: Should the disbursement quota for registered charities in Canada change or be left alone? Also, see the article "Canadian Budget 2010 announces disbursement quota reform for Canadian charities" at www.canadiancharitylaw.ca/blog/budget_2010_disbursement_quota_changes_and_anti-avoidance_provisions/
b.	Do you have surplus in your disbursement quota?					

Measure	Yes	No	Not Sure	N/A	For More Information
16 Political Activities					
<p>a. You understand that:</p> <p>Recent changes to the Income Tax Act now allow Canadian registered charities to conduct unlimited public policy dialogue and development activities (PPDDAs) connected to the stated purposes of the charity as long as they are not directly or indirectly partisan.</p>					<p>CRA's guidance CG-027, Public policy dialogue and development activities by charities</p> <p>Here is a 20-minute presentation on why political activities are important for registered charities: http://maytree.com/fgi/five-good-ideas-about-registered-charities-and-political-activities.html</p> <p>See Blumbergs' directory on Canadian charities and political activities.</p>
<p>b. If your organization engages in PPDDAs, those PPDDA activities are connected to your stated charitable purposes:</p>					<p>CRA's guidance CG-027, Public policy dialogue and development activities by charities</p>
<p>1) a stated charitable purpose is a purpose that meets the following three criteria:</p>					
<p>(i) the purpose appears in the charity's governing documents</p>					<p>If you are a non-profit corporation, your legal objects can be found in your articles of incorporation (or letters patent), articles of amendment (or supplementary letters patent) or similar articles.</p> <p>If you are a trust, your objects would be in your trust deed or if you are an unincorporated association in your constitution.</p>
<p>(ii) the purpose falls within one of the four categories of charity</p>					<p>The 4 heads of charity are:</p> <ul style="list-style-type: none"> • relief of poverty • advancement of education • advancement of religion • certain other purposes beneficial to the community in a way the law regards as charitable <p>For the 4th head/other purposes, see Annex A in the CRA Guidance CPS-024, Guidelines for registering a charity: Meeting the public benefit test</p>
<p>(iii) the purpose provides a benefit to the public</p>					

Measure	Yes	No	Not Sure	N/A	For More Information
					<p>You can review CRA's guidance CPS-024, Guidelines for registering a charity: Meeting the public benefit test) this includes a requirement that any private benefit conferred is necessary, reasonable, and proportionate.</p> <p>Also see also CRA's Guidance CG-013, Fundraising by registered charities</p>
2) The PPDDA activities are non-partisan and not "direct or indirect support of, or opposition to, any political party or candidate for public office."					<p>"The Income Tax Act prohibits a charity from devoting any part of its resources to the direct or indirect support of, or opposition to, any political party or candidate for public office. Any activity that supports or opposes a political party or candidate is not a PPDDA, and a charity cannot carry on such an activity to any degree."</p> <p>"Under the Income Tax Act, a charity may publicly agree or disagree with a decision or position of a government, but in doing so must not support or oppose any political party or candidate for public office. As a general guideline, a charity's communications should focus on the policy issue under discussion, and not refer to any candidate or political party."</p> <p>"A charity that provides a platform for the public to comment on and discuss issues (for example, a website or blog) must monitor these platforms, and remove messages that support or oppose a political party or candidate for public office. In such a case, a charity might choose to add a notice to its platform that messages that support or oppose a political party or candidate will be removed."</p>
3) If the PPDDA involve providing information, it must be truthful, accurate and not misleading.					
4) If the PPDDA involve research, then such research must be conducted within CRA guidance.					See CRA Guidance CPS-029, Research as a charitable activity .
5) PPDDA opinions must "draw on research and evidence and are not contrary to hate speech laws or other legitimate restrictions on freedom of expression."					

Measure		Yes	No	Not Sure	N/A	For More Information
	6) Any PPDDA activities must comply with provincial rules on the use of charitable assets that are more restrictive than the Income Tax Act.					"Charities should be aware that some provinces may have rules regarding the use of charitable assets that differ from the requirements of the Income Tax Act as they relate to PPDDAs. Footnote 10 (See, for example, Ontario's Office of the Public Guardian and Trustee, whose role includes reviewing applications by organizations who wish to be given charitable status to check that the activities of the organization are, in fact, those which the law defines as charitable.) A charity that meets the requirements of the Income Tax Act as they relate to PPDDAs is not exempted from meeting any provincial requirements on the use of its resources, such as any restrictions on the use of charitable assets for a political purpose."
	Are you comply with lobbying registration requirements at different levels of government?					
	Are you aware of election advertising rules that may apply prior to and during an election and you comply with those requirements?					
17	Letting CRA know of changes as a registered charity					
a.	Changes to address, phone number or fax					www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/making-changes/changing-a-charitys-address-phone-number.html
b.	Changes such as amalgamations, mergers, and consolidations					If you are considering a merger, you might find this guide helpful: CPA Canada's 20 Questions Directors of Not-for-Profit Organizations Should Ask about Mergers Also www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/making-changes/amalgamations-mergers-consolidations.html
c.	Changes to your authorized representative information					www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/making-changes/changing-a-charitys-authorized-representative-information.html

Measure	Yes	No	Not Sure	N/A	For More Information
d. Changes to your By-laws or governing documents					www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/making-changes/changing-a-charitys-bylaws.html
e. Changes to your director, trustee, or like official information					When there are a few changes to directors these are usually just reflected on your next T3010. However, sometimes if there are a large number of changes it is a good idea to let CRA know immediately www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/making-changes/changing-a-charitys-director-trustee-like-official-information.html
f. Changes to your fiscal year-end					You require CRA approval to change a fiscal year-end https://www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/making-changes/fiscal-end-change.html
g. Changes to your legal name					www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/making-changes/changing-a-charitys-legal-name.html
h. Change in legal status					If you are a trust or unincorporated association and you want to incorporate or you are incorporated under one jurisdiction and want to move to another jurisdiction, then check out: www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/making-changes/changing-a-charitys-legal-status.html
i. Re-designation					Registered charities are either designated as 1) Charitable organizations, 2) Public foundation and 3) Private foundation. If your current designation is not accurate you should apply for re-designation. https://www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/making-changes/redesignation.html

Measure		Yes	No	Not Sure	N/A	For More Information
18	Unrelated Business Activities					
a.	If your charity carries out business activities, you have read CPS-019 <i>What is a Related Business</i> on the CRA website.					www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/policy-statement-019-what-a-related-business.html
b.	If your charity is carrying on a business (i.e., activity commercial in nature and done continuously), then:					
	1. Are all goods donated?					
	2. Are the business activities conducted infrequently?					
	3. Are business activities a "related business" (i.e., 90% volunteers) or alternatively both linked AND subordinate to charity's legal purpose?					www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/policy-statement-019-what-a-related-business.html
c.	If your charity is conducting business activities in order to advance community economic development, then you have read CRA's bulletin <i>Community Economic Development Activities and Charitable Registration (CG-014)</i>					www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/community-economic-development-activities-charitable-registration-014.html

Measure		Yes	No	Not Sure	N/A	For More Information
19	Transactions with Directors					
a.	Are you a charity operating in Ontario or with assets in Ontario and do you compensate your directors?					<p>A charity can pay a director or trustee of a charity back for reasonable out-of-pocket expenses relating to the work of the charity.</p> <p>Any amounts paid beyond reimbursement for out-of-pocket expenses can be inappropriate, illegal or quite complicated.</p> <p>According to the Ontario PGT:</p> <p>"Duty to act without personal benefit</p> <p>Generally, a charity cannot pay a director for serving as a director. A director, or a person connected to a director, cannot be paid for services provided in any other capacity unless they are permitted by either:</p> <ul style="list-style-type: none"> • section 2.1 of regulation 4/01 of the Charities Accounting Act • a court order issued in an application to the court • an court order made under section 13 of the Charities Accounting Act, which provides a simplified procedure for charities to acquire a draft court order without needing to go to court (written consent of the OPGT is required)"

Measure		Yes	No	Not Sure	N/A	For More Information
b.	Are you complying with the Ontario Public Guardian and Trustees requirements?					<p>Recent changes to the Charities Accounting Act allow in limited circumstances compensation of a director without court approval: www.attorneygeneral.jus.gov.on.ca/english/family/pgt/authorization_of_payments.html</p> <p>"Section 2.1 of regulation 4/01 allows charitable corporations to compensate directors, and people connected to directors without a court order, as long as certain requirements are met. This includes payment for services, such as:</p> <ul style="list-style-type: none"> • giving a lecture • professional services and consultations • types of research • a contract for maintenance work • rental of a space <p>A trustee also cannot be paid for services in any capacity unless the trust deed allows such a payment or it has been approved in advance either by the court through an application or an order made under section 13 of the Charities Accounting Act. Trustee payments may also be laid out in the document that creates the charity's trust."</p> <p>See our article Ontario rules change for compensation of certain directors of non-profit corporations that are charities.</p> <p>Even if a charity is legally permitted to compensate a director for certain services provided to the charity there should be no undue private benefit under the ITA www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/summary-policy-d10-directors-trustees.html</p> <p>Obtain legal advice before providing any compensation to any director.</p>
20	Employment Issues					
a.	Your "independent contractors" really are independent contractors and not employees.					<p>See CRA publication <i>Employee or Self-employed?</i> www.canada.ca/en/revenue-agency/services/forms-publications/publications/rc4110.html</p>

Measure	Yes	No	Not Sure	N/A	For More Information
b. Your charity is deducting appropriate amounts of CPP, EI, and income tax and remitting them to CRA for all employees.					
c. You have agreements with all employees and independent contractors that cover off at least termination, confidentiality, and ownership of intellectual property.					
d. Compensation is appropriate and no greater than fair market value.					See How does a Canadian charity determine appropriate compensation for an executive of the charity?
21 Intellectual Property					
a. Has the charity trademarked words, phrases or logos used in association with the ware and services of the charity?					
b. Has the charity secured necessary domain names or social media accounts?					
c. Do the charity's agreements such as employment agreements, independent contractor agreements and volunteer agreements cover ownership of intellectual property appropriately?					
d. Has the charity confirmed, especially with outside contractors, independent contractors or volunteers that the charity owns the content that it is either paying for or using?					
22 Keeping Adequate Books and Records					
a. Your charity maintains adequate books and records as defined by CRA.					CRA's Books and Records Checklist
b. You keep records preferably in either English or French.					
c. You keep records for at least the prescribed period of time for each record.					https://www.canada.ca/en/revenue-agency/services/forms-publications/publications/ic78-10.html
d. You keep books and records at an address in Canada that is on file with CRA.					
e. You maintain copies or backups of all key documents at a separate site.					
f. Electronic documents are backed up regularly and also stored off-site.					
g. You have easy access to governing documents (incorporating documents, constitution, trust document), by-laws, financial					

Measure	Yes	No	Not Sure	N/A	For More Information
statements, copies of official donation receipts, copies of T3010, written agreements, board and staff meeting minutes, annual reports, ledgers, bank statements, expense accounts, inventories, payroll records, promotional materials, and fundraising materials.					
h. You keep source documents (e.g., invoices, vouchers, work orders, delivery slips, purchase orders, and bank deposit slips).					
23 Provincial Registrations					
a. For charities operating in Ontario, you are aware of the requirements of the Ontario Public Guardian and Trustee?					www.attorneygeneral.jus.gov.on.ca/english/family/pgt/charities/ The OPGT has reduced their filing requirements for charities operating in Ontario. Ontario Public Guardian and Trustee (OPGT) notice reminding charities of the modified reporting requirements Ontario Government reduces reporting by charities in Ontario to Ontario Public Guardian and Trustee
b. For charities fundraising in Alberta, you have registered with the Alberta government under the <i>Charitable Fundraising Act</i> , if required.					www.servicealberta.ca/661.cfm
c. For charities operating in Quebec, or providing receipts to Quebec residents, you have made necessary filings with Revenu Quebec.					
d. If you operate in other provinces or issue receipts to residents in other provinces, you are aware of the provincial regulations and have complied with them.					
e. If you use a name to identify your organization or a program other than your legal name, have you considered whether a business name registration is required and in which provinces?					
f. If you have employees or offices in different provinces, have you done the necessary provincial registrations?					

Measure	Yes	No	Not Sure	N/A	For More Information
24 Financial Management and Internal Financial Controls					
a. Is a budget prepared annually?					
b. Your charity's management compares actual performance versus plans, goals, and established objectives?					
c. Is the board updated regularly on the financial status of the charity?					
d. Your senior management sets a good example and abides by internal policies?					
e. Your charity is aware of the many ways that some entities may try to take advantage of the charity, including for fraud, money laundering, terrorism, private benefit, etc.					
f. You have adequate internal financial controls in place to prevent misuse of charitable assets?					CC8 - Internal Financial Controls for Charities (UK Charity Commission) www.gov.uk/government/publications/internal-financial-controls-for-charities-cc8
g. You have segregation of duties with separating authorization, custody, and record keeping roles to limit risk of fraud or error by one person?					
h. You have a system for review and authorization of transactions?					
i. You have appropriate physical safeguards in place such as usage of cameras, locks, physical barriers, etc. to protect property, such as records, merchandise, or inventory?					
j. You maintain adequate IT security including passwords, regular updating of programs, anti-virus programs, and anti-malware programs?					
k. You regularly communicate changes relating to policies to employees and volunteers?					
l. You have an investment policy and comply with it?					
m. Your investments comply with the investment policy and the prudent investor rule, your governing documents, any applicable gift agreements, and other legal requirements?					
n. You are aware of financial management resources for Canadian charities?					www.canadiancharitylaw.ca/blog/charity_finances_trustee_essentials_great_information_on_financial_manageme

Measure		Yes	No	Not Sure	N/A	For More Information
o.	You assist your partners and intermediary, if necessary, with basic financial management?					<i>Building Capacity through Financial Management: A Practical Guide</i> http://policy-practice.oxfam.org.uk/publications/building-capacity-through-financial-management-a-practical-guide-115411
p.	Has the charity applied for a property tax rebate from your municipality?					
q.	Has your charity obtained advice with respect to HST applicability and refunds?					
r.	Does the charity have an audit if required by law?					
25	Basic Risk Management					
a.	Your charity is aware of its governance risks, operational risks, financial risks, external risks, and the importance of complying with the law.					www.gov.uk/government/publications/charities-and-risk-management-cc26
b.	Your charity has assessed and analyzed the risk that it faces and has an informal or formal risk management plan which considers what risks will be assumed, what will be eliminated, how to reduce risk associated with certain activities and transference of risk by insurance or outsourcing.					
c.	Your charity has considered having an informal risk review done by a lawyer familiar with compliance issues for registered charities.					<p>We sometimes suggest that charities retain us to conduct a general informal risk review of the charity and its operations to highlight potential CRA and other compliance concerns. We generally initially focus on the most obvious and sometimes easy to fix items (such as the top 20 CRA concerns) and then more complicated or nuanced issues.</p> <p>See our article Informal Risk Reviews are Excellent Value for Money for Registered Charities.</p>
d.	Your charity avoids any involvement either directly or indirectly with criminal enterprises or terrorism.					www.canada.ca/en/revenue-agency/services/charities-giving/charities/checklists-charities/checklist-charities-on-avoiding-terrorist-abuse.html

Measure		Yes	No	Not Sure	N/A	For More Information
e.	If your charity deals with children or vulnerable adults, it has policies and procedures to prevent abuse of beneficiaries and such policies and procedures are being enforced.					Webinar Minimizing Risk in your Onboarding of Volunteers and Staff
f.	Your charity maintains appropriate insurance coverage.					Some of the most common policies including commercial general liability policies, directors, and officers liability policies.
g.	You attempt to ensure that your directors and officers are appropriate and are not "ineligible individuals" under the <i>Income Tax Act</i> (Canada).					Ineligible individual rules www.canadiancharitylaw.ca/index.php/blog/comments/presentation to the law society annual estate and trust summit/
h.	Does the charity have a disaster recovery plan?					
i.	Do you comply with Canada's Anti-Spam Legislation (CASL) including by obtaining necessary consents and having an unsubscribe mechanism on emails?					
j.	If the charity is an affiliate of another group (such as an umbrella organization) and is the charity complying with any affiliation agreement?					
k.	Does your charity occasionally consider the value in having multiple corporate entities?					<p>An organization may wish to consider having one or more or a combination of registered charities, non-profits and/or for-profits for the following reasons:</p> <ul style="list-style-type: none"> • Greater flexibility with respect to the activities the entity can conduct • Limit liability for risky activities or undertakings • Access funding • Having an entity ready if necessary <p>See our online courses:</p> <p>Multiple Corporate Structures for Canadian For-Profits, Non-Profits and Charities to Enhance Flexibility + Impact</p> <p>Separation and Independence by Canadian Charities from Entities that are not Canadian Charities</p>

Measure		Yes	No	Not Sure	N/A	For More Information
26	Governance					
a.	Your board of directors is aware of its basic responsibilities.					Top Tips for Serving as a Director of a Canadian Registered Charity by Mark Blumberg How to Read and Understand Financial Statements and Reports for Your Small to Mid-Size Charity or Not-for-profit Organization
b.	Does your charity have a diverse board of directors?					
c.	Is there a proper division of responsibilities between the board and CEO/ED?					
d.	Does your charity have a conflict of interest policy?					
e.	Are conflicts of interest scrupulously avoided?					
f.	You run an effective and efficient charity.					You might find this UK publication helpful <i>CC10 - Hallmarks of an Effective Charity</i> www.gov.uk/government/publications/the-hallmarks-of-an-effective-charity-cc10 and the UK Charity Governance Code .
g.	Is your non-profit's governance structure appropriate?					If your current board is ineffective and uncooperative, it would be useful to consider looking into governance training and advice so that the new board can be more successful, strategic, and effective.
h.	Does each board member sign a consent before joining the board?					
i.	Do you have an in-person board orientation for each new board member?					
j.	Does each board member receive a board binder?					
k.	Do you have a list of charity stakeholders?					
l.	Have you considered collaboration or merger with other charities to increase impact?					

Measure		Yes	No	Not Sure	N/A	For More Information
						CPA Canada's 20 Questions Directors of Not-for-Profit Organizations Should Ask about Mergers See our online course : Mergers of Canadian Non-Profits and Charities and Dealing with Uncertain Times
27	Other					
a.	Whenever entering into a major agreement between the charity and a third party, the charity understands the content of the agreement and if necessary, obtains appropriate professional advice.					
b.	Are you aware of any specific municipal, provincial or federal acts or regulations that govern the activities of your particular organization and have you obtained necessary permissions and permits, licences, etc.?					
c.	You occasionally check the CRA website for new developments.					www.canada.ca/en/revenue-agency/services/charities-giving/charities.html
d.	You are aware of various resources for charities.					For example, www.CanadianCharityLaw.ca , www.SmartGiving.ca , or www.CharityData.ca As well as CRA's main guidances for charities are at: www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/policies-guidance-about-operating-a-registered-charity.html
e.	You are signed up to the CRA's free e-mail newsletter.					www.canada.ca/en/revenue-agency/news/e-services/canada-revenue-electronic-mailing-lists/electronic-mailing-list-charities-giving-whats-new.html

Measure	Yes	No	Not Sure	N/A	For More Information
f. You are signed up to non-profit and private sector providers of news and legal information.					<p>For example, Blumbergs' www.CanadianCharityLaw.ca newsletters at www.canadiancharitylaw.ca/index.php/pages/subscribe/</p> <p>or you can keep up-to-date with legal developments by following Mark Blumberg at or on:</p> <p>Threads (CanadianCharity) Mastodon Twitter LinkedIn</p>
g. You have reviewed basic information about charity compliance at www.CanadianCharityLaw.ca ?					<p>Common Paragraphs from CRA in the Notification of Registration On Operating a Registered Charity</p> <p>Top Canadian Charity Law Issues by Mark Blumberg</p> <p>Searching the CRA's new website at Canada.ca made easy</p> <p>Our directory of top resources for Canadian registered charities</p> <p>Top 68 CRA Reasons for Denying your Canadian Registered Charity Application</p> <p>CRA increasingly focused on and auditing internal controls of registered charities</p> <p>Ignorance isn't bliss for large, registered charities anymore as CRA focuses audits on them</p> <p>Canadian Charity Case Law</p> <p>Upcoming Webinars for the Canadian Charity Law Association</p>
h. You are aware that Blumbergs has a number of online courses that can assist registered charities to understand their compliance obligations.					<p>www.CanadianCharityLaw.ca/courses/</p> <p>Courses include:</p> <p>Being a Director of a Canadian Non-Profit or Registered Charity</p> <p>Blumbergs' Canadian Charity Law Boot Camp 2024 – Online (Recorded April 23, 2024)</p>

Measure	Yes	No	Not Sure	N/A	For More Information
					Blumbergs' Canadian Charity Law Institute 2020 (Recorded October 21, 2020) Blumbergs' Canadian Charity Law Institute 2021 (Recorded October 6, 2021) Blumbergs' Canadian Charity Law Institute 2022 (Recorded October 3, 2022) Blumbergs' Canadian Charity Law Institute 2023 (Recorded October 3, 2023) Canadian Charities Working with Non-Charities in Canada Course CharityData.ca – An in-depth look at this important registered charity transparency tool Donor Advised Funds (DAFs) In Canada Foreign Activities and Canadian Charities Fundamentals of Running a Canadian Charitable Organization/Operating Charity Fundamentals of Running a Private or Public Foundation in Canada Fundamentals of the T3010 and Transparency for Canadian Charities Fundraising from Canada – A course for groups outside of Canada Fundraising Regulation and Compliance in Canada for Registered Charities Making gifts to qualified donees: Discussing a seemingly simple proposition. Membership of Non-Profits and Charities in Canada Mergers of Canadian Non-Profits and Charities and Dealing with Uncertain Times Multiple Corporate Structures for Canadian For-Profits, Non-Profits and Charities to Enhance Flexibility + Impact

Measure		Yes	No	Not Sure	N/A	For More Information
						Objects/Purposes for Canadian Charities and Changes to Your Objects/Purposes Ontario not-for-profit corporations and dealing with ONCA Professional Advisors and Philanthropy: Helping Clients Give Effectively to Good Causes Receipting for Canadian Registered Charities Restricted Gifts – Managing the Opportunities and Dangers of Restricted Charitable Gifts Running and Maintaining a Federal Non-Profit Corporation under the CNCA – An Introduction Separation and Independence by Canadian Charities from Entities that are not Canadian Charities Should Our Canadian Business Establish a Corporate Foundation? Should We Establish a Canadian Social Enterprise, Non-Profit or Charity and How to Do It? Should you agree to be a director or board member of a Canadian non-profit or registered charity? So now you are a registered charity – What is next Social Enterprise, Earned Income and Business Activities for Canadian Registered Charities Top 20 Charity Law Issues for Canadian Registered Charities
i.	Your charity obtains appropriate professional advice (from lawyers, accountants, investment advisors, insurance agents etc.) when required?					
j.	Who is the charity's accountant?					
k.	Who is the charity's lawyer?					
l.	Who is the charity's investment advisor?					
m.	Who is the charity's insurance broker?					

Measure		Yes	No	Not Sure	N/A	For More Information
n.	Who is the charity's bank?					

This Charity Legal Checklist was prepared by Mark Blumberg, a lawyer at Blumbergs Professional Corporation in Toronto. To find out more about legal services that Blumbergs provides to Canadian charities and non-profits, please visit www.CanadianCharityLaw.ca

This Canadian Charity Legal Checklist is for information purposes only. It is provided "as is" and it is not intended to be or provide legal advice. You should not act or abstain from acting based upon such information without first consulting a legal professional who is knowledgeable about charity regulation.

If you found the Checklist helpful, please let us know. Also, if you have any suggestions for improvement they are always appreciated.

If your charity is interested in our informal risk review program, see our article [Informal Risk Reviews are Excellent Value for Money for Registered Charities](#).

If your charity wishes to retain our law firm, please [contact us](#).