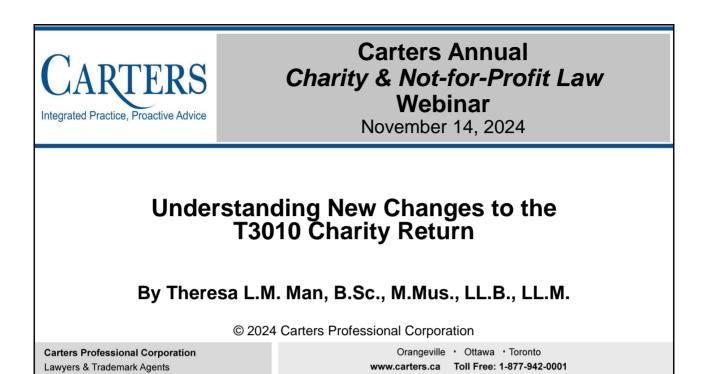


The 2024 Carters Annual Charity & Not-for-Profit Law Webinar Thursday, November 14, 2024

Understanding New Changes to the T3010 Charity Return

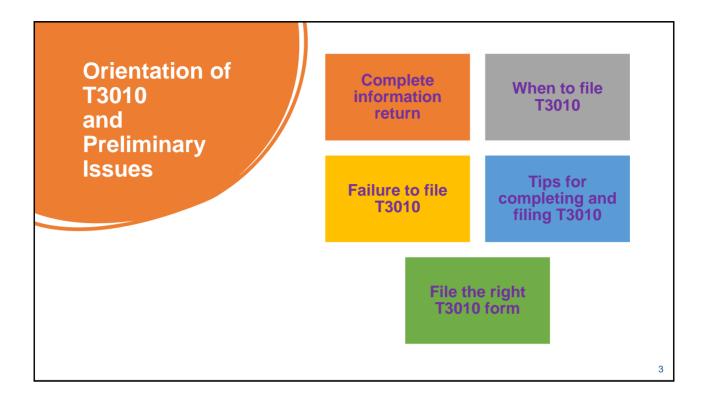
By Theresa L.M. Man, B.Sc., M.Mus., LL.B., LL.M.

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Overview

- T3010 is not just a tax return for accountants to complete, but has real practical implications to charities as well
- T3010 is public information and easily accessible to the public – including donors and the media
- T3010 reflects compliance with the ITA and CRA's policies, such as gifts to non-qualified donees ("QDs"), foreign activities, fundraising ratio
- Transparency and accountability builds trust and loyalty
- T3010 requires reporting information on fundraising, receipted and unreceipted gifts, DAFs, restricted gifts
- Orientation of the T3010
- Select new changes to the T3010



Form T3010 [Proper] - 6 sections Section A – Identification Section B – Directors/trustees and like officials Section C – Programs and general information Section D – Financial information Section E – Certification Section F – Confidential data Attach financial statements (including notes)	 7 Schedules in T3010 Schedule 1 - Foundations Schedule 2 - Activities outside Canada Schedule 3 - Compensation Schedule 4 - Confidential data Schedule 5 - Non-cash gifts Schedule 6 - Detailed financial information Schedule 8 - Disbursement quota
Additional Forms T1235, Directors/Trustees and Like Off T1236, Qualified donees worksheet / A T2081, Excess Corporate Holdings Wo T1441, Qualifying Disbursements: Grading Statements 	mounts provided to other organizations

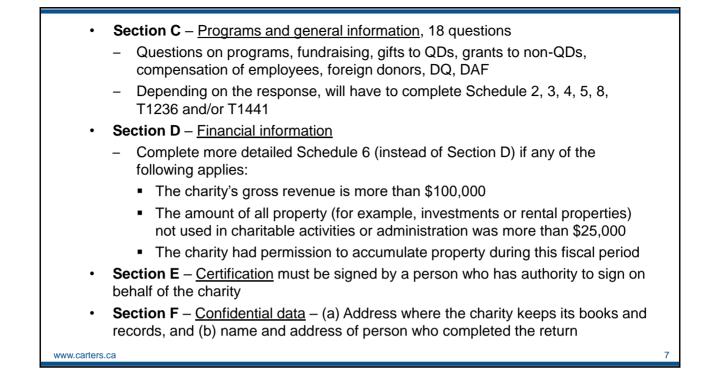
T3010 has 6 Sections	
 Section A – <u>identification of charity</u> - name, fiscal period being reported, RR number, web address, if it is subordinate to a head body, if it was wound- up/dissolved/terminated, if it is a foundation (if yes, then complete Schedule 1) 	
Section A: Identification	
• To help you fill out this form, refer to Guide T4033, Completing the Registered Charity Information Return. It can be found at canada.ca/cra-forms.	
Note: Even if a charity is inactive, an information return must be filed to maintain its registered status. Complete the following:	
1. Charity name:	
2. Return for fiscal period ending: 3. BN/registration number: 4. Web address (if applicable): Year Month Day I I I	
If yes, give the name and BN/registration number of the organization. 1510 Yes No	
Name BN (9 digits, 2 letters, 4 digits. Example: 123456789RR0001)	
A2 Has the charity wound-up, dissolved, or terminated operations? 1570 Yes No A3 Has the charity conduction on the formation of the forma	
As is the charity designated as a public foundation or private foundation?	
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 Section B – <u>complete T1235</u> - information on directors/trustees and like officials who were members of the charity's board of directors/trustees at any time during the fiscal period of the return

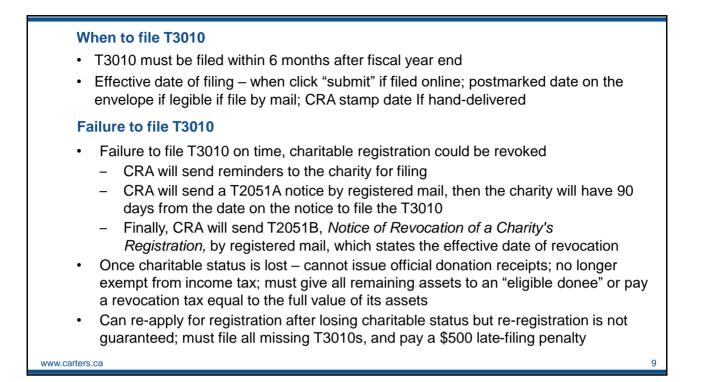
Section B: Directors/trustees and like officials 3 All charities must complete Form T1235, Directors/Trustees and Like Officials Worksheet. Only the public information section of the worksheet is available to the public For charities subject to the Ontario Corporations Act. As of May 15, 2021, the Canada Revenue Agency no longer collects this information on behalf of the Ontario Ministry of Government and Consumer Services. For more information on filing an Ontario annual information return, visit **ontario.ca/businessregistry**. Note: If you would like these individuals to have the authority to communicate with the CRA on behalf of your charity, their name must also appear as an owner for your Business Number (BN). For more information, go to canada.ca/charities-giving, select "Operating a registered charity," then "Making a change to your organization" and see "Change director." Canada Revenue Agence du revenu Agency du Canada Directors/Trustees and Like Officials Worksheet Protected B when completed You must give us complete information for each director/trustee and like official who, at any time during the fiscal period of this return, was a member of the charity's board of directors/trustees. Directors/trustees and like officials are persons who govern a registered charity. See the reverse for information on filling out this form. Total number of directors/trustees and like officials: Charity name: Business number: Return for fiscal period ending (YYYY/MM/DD): RR Т 1 1 1 1

Public information			Confidential data		
ast name:	First name:	Initial:	Residential address – Street number an	d name:	
Ferm ► Start date (Y/M/D):	End date (Y/M/D):		City:	Prov/Terr:	Postal code:
Position:	At arm's length with other Directors	? Yes No	Phone number	Date of birth (Y	(/M/D):
ast name:	First name:	Initial:	Residential address – Street number an	d name:	
Ferm Start date (Y/M/D):	End date (Y/M/D):		City:	Prov/Terr:	Postal code:
Position:	At arm's length with other Directors	? Yes No	Phone number	Date of birth (Y	(/M/D):

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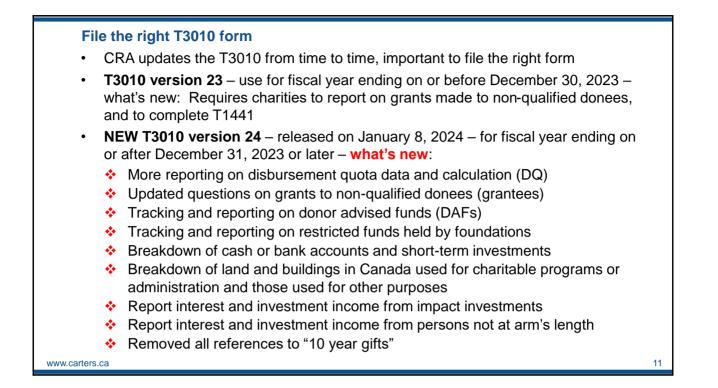


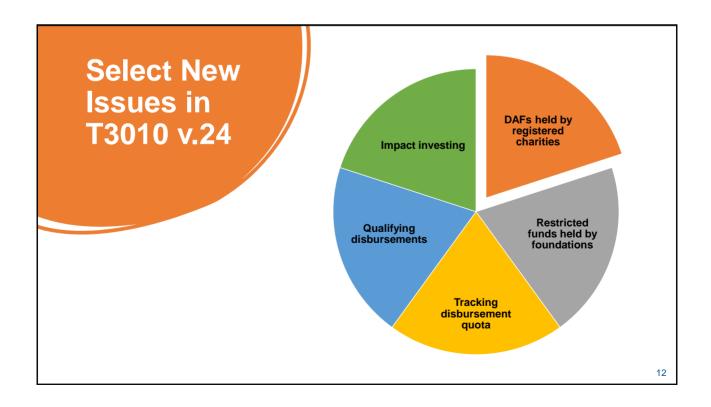
Schedules	When the schedule must be completed
Schedule 1, Foundations	Must be completed by all foundations
Schedule 2, Activities outside Canada	 Must be completed if answered "yes" to question C4 Line 2100 - i.e., the charity carried on activities outside Canada directly or through intermediaries
Schedule 3, Compensation	Must be completed if answered "yes" to question C9 Line 3400 – i.e., charity had expenses for compensation of employees during the fiscal period
Schedule 4, Confidential data	 Must be completed if answered "yes" to question C7 Line 2700 – i.e., charity paid third party fundraisers Must be completed if answered "yes" to question C10 Line 3900, i.e., charity received donations or gifts of any kind valued at \$10,000 or more from a foreign or non-resident donor
Schedule 5, Non-cash gifts	 Must be completed if answered "yes" to question C11 Line 4000 – i.e., charity received non-cash gifts for which it issued official donation receipts
Schedule 6, Detailed financial information	 Must be completed if any of the following applies to the charity, complete Schedule 6 instead of Section D: ✓ The charity's gross revenue is more than \$100,000 ✓ The amount of all property (for example, investments or rental properties) no used in charitable activities or administration was more than \$25,000 ✓ The charity had permission to accumulate property during this fiscal period
Schedule 8, Disbursement quota	 Must be completed if answered "yes" to question C17 Line 5850 – i.e., the value of the charity's property not used directly in charitable activities or administration exceeds the thresholds (\$100,000 for charitable organizations or \$25,000 for foundations)

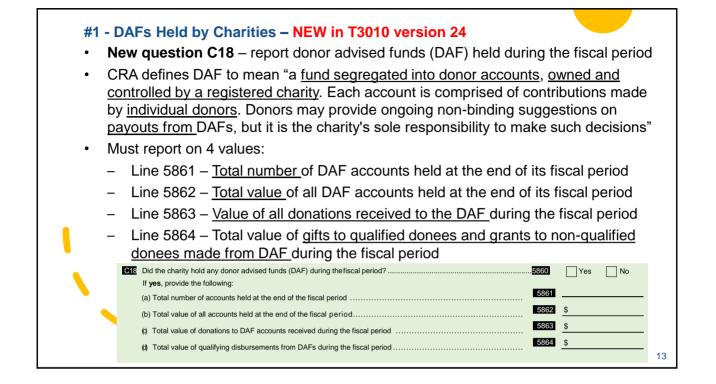


Tips for completing and filing T3010

- T4033 Completing Form T3010 Registered Charity Information Return
 https://www.canada.ca/en/revenue-agency/services/forms-publications/publications/t4033/t4033-completing-registered-charity-information-return.html
- Use the right form
- Ensure information in the form is complete and accurate, with applicable attachments
- File on time
- · Keep a copy of all forms filed for the charity's records
- Keep proof of filing (e.g., confirmation of filing in MyBA, post office receipt, take a picture, courier waybill)
- Must attach financial statements to the T3010 (if income over \$250,000, CRA recommends financial statements be professionally audited; otherwise, the treasurer for the charity should sign them)
- If financial statements are not attached, T3010 says charitable registration may be revoked
- Some information is confidential and not available to the public
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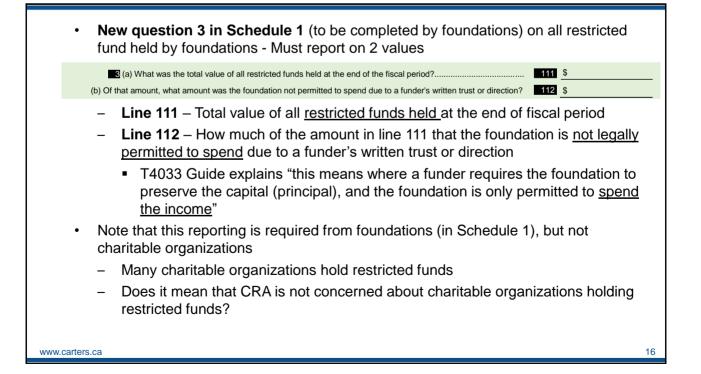
Concerns

- Meaning of DAF at law is broader than CRA's definition. DAF can involve advice from donors on various aspects of the DAF, but usually relates to the gifts to be made. This is not just restricted to advice on "payouts from DAFs" as in CRA's definition
- Does the charity understand what DAF means? Does the charity have the necessary info on DAF required by the T3010? Is the charity required to track a subset of DAFs held by the charity for T3010 reporting because of CRA's narrower definition?
- Has the charity been tracking DAF in its records? Does the charity track DAF in separate "fund segregated into donor accounts" as required by CRA?
- Takeaway Charities need to review their records well ahead of the filing deadline to make sure they have the necessary information for the T3010 reporting

See Jacqueline M. Demczur, presentation *Donor Advised Funds for Healthcare Charities*, Feb. 13, 2024 <u>https://www.carters.ca/pub/seminar/charity/2024/Handout-Donor-Advised-Funds-revised-after-JMD-2024-February-13.pdf</u>

#2 - Restricted Funds Held by Foundations – NEW in T3010 version 24

- CRA glossary defines "restricted fund" to mean "Restricted funds are <u>funds tied to a</u> <u>specific use</u> and not available for the general purposes of the organization (for example, a fund consisting of contributions that donors specifically direct the registered charity to use to buy a new building). Endowments are one type of restricted fund. Donors create them when they stipulate that the registered charity must maintain the principal amount and only use the income earned on it."
- T4033 Guide explains that "restricted funds are generally those where a <u>funder</u> (including a donor, grantor, lender, or payer) limits how the funds can be spent. This means the funds are not available for the foundation to use at its sole discretion. For example, a foundation is given government funding to provide relief after a catastrophic earthquake, and can only spend the funds for that relief."
- Line 4170 in Schedule 6 report the value of assets the charity has that do not fall under the other listed categories in lines 4100 to 4166
 - CRA indicates that this amount is to include works of art and other valuables not
 considered inventory, prepaid expenses, and <u>restricted funds</u>



Concerns

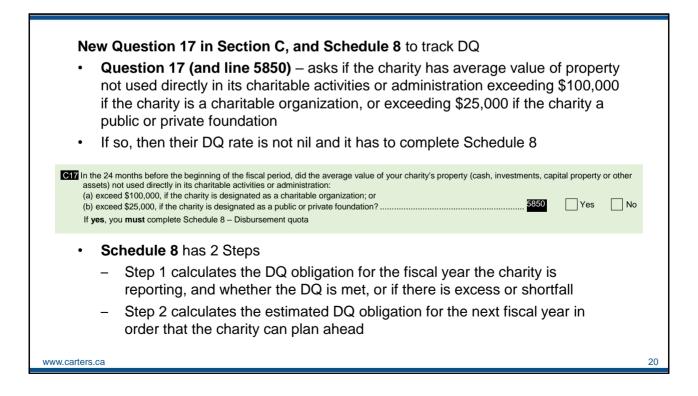
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- Meaning of restricted funds at law is broader than CRA's definition which is limited to "specific use" or "how the funds can be spent"
- At law, restricted funds can involve different types of restrictions imposed by the donors or grantors, including restrictions on; time (the period of time it is to be held); use (a specific purpose for which it is to be used); or management (e.g., how to invest the fund, how to manage the fund)
- Does the charity know what restricted funds are? Does the charity have the necessary info on restricted funds (including endowments) required by the T3010? Is the charity required to track a subset of restricted funds held by the charity for T3010 reporting because of CRA's narrower definition?
- Takeaway Charities need to review their records well ahead of the filing deadline to make sure they have the necessary information for the T3010 reporting

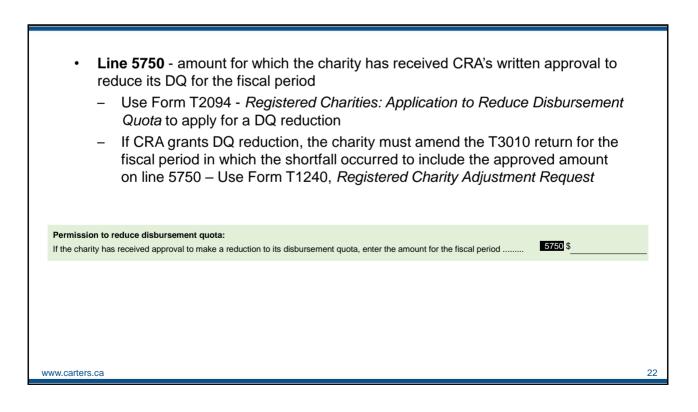
#3 - Tracking Disbursement Quota – Additional Info required in T3010 version 24

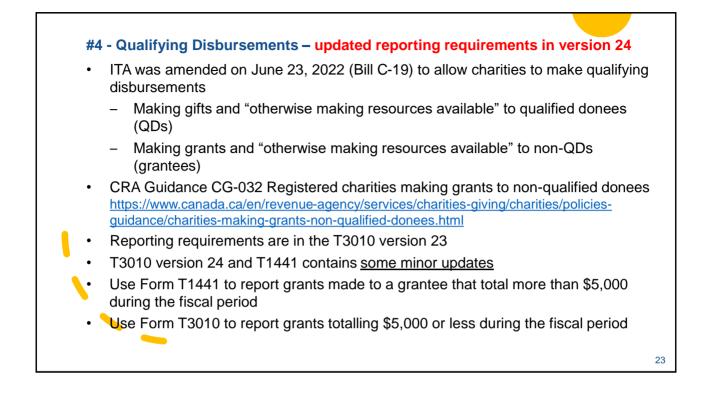
- Disbursement Quota ("DQ") is the minimum amount that a charity must spend on its charitable activities or qualifying disbursements (including gifts to qualified donees and grants to non-qualified donees)
- ITA amended on Jan. 1, 2023, increased the DQ rate so that charitable organizations with average value exceeding \$100,000 or foundations with average value exceeding \$25,000, DQ is 3.5% for property up to \$1 million, and 5% for property over \$1 million
- Budget 2022 indicated that the CRA will "improve" the collection of information to better identify whether charities are meeting the DQ, as well as "information related to investments and donor-advised funds held by charities"
- T3010 version 24 contains a new schedule 8 on tracking and reporting DQ calculations
- See Theresa Man, presentation *Ins and Outs of the Increased Disbursement Quota*, Feb. 13, 2024 <u>https://www.carters.ca/pub/seminar/charity/2024/Carters-Fasken-Healthcare-Philapthropy-Webinar-2024-%20February-13%20tlm.pdf</u>

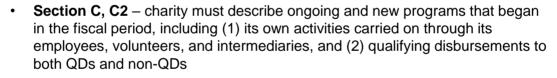
All charities must do basic calculation of the asset base that forms the calcute the DQ	ulation of
The 24 months before the beginning of the lisear period	5900 <u>\$</u> 5910 <u>\$</u>
 Line 5900 - average value of property not used directly in charitable act administration during the 24 months before the <u>beginning</u> of the fiscal p is used to calculate the DQ obligation for the <u>current</u> fiscal Line 5910 – average value of property not used directly in charitable act administration during the 24 months before the <u>end</u> of the fiscal period - used to calculate the DQ obligation for the <u>next</u> fiscal 	period - This
2022 fiscal2023 fiscalT3010 for 2024 fiscal	
Line 5900 in T3010 for 2024 – FMV for this 24 month period - To calculate DQ for 2024 fiscal	
Line 5910 in T3010 for 2024 – FMV for this 24 month period - To estimate DQ for 2025 fiscal	
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	Disbursemen	guota Schedule 8	
	Important: If you complete this section, you must answer yes to question C17.		
	For more information, go to Canada.ca/charities-disbursement-quota.		
	Step 1. Calculating the disbursement quota requirement for the current fis	cal period	
		5000 from your return) 805 \$	
	Average value of property not used in charitable activities or administration (line	5900 from your return)	
	If permission to accumulate property has been granted, enter the total amount a specified purpose (add all amounts from lines 5500 minus all amounts at lines 5 permission to accumulate property period)	510 from all returns to date covered by the	
	Line 805 minus line 810 (if negative, enter 0)		
	If line 815 is \$1,000,000 or less	If line 815 is over \$1,000,000	
		Line 815 minus \$1,000,000 825 \$	
		Line 825 multiplied by 5% 830 \$	
	Multiply line 815 by 3.5% 820 \$	Line 830 plus \$35,000 835 \$	
	Enter the amount from line 820 or line 835. This is your charity's disbursement of for the current fiscal period		
	Total expenditures on charitable activities (line 5000 of your return)	845 S	
	Total amount of grants made to non-qualified donees (line 5045 of your return).		
	Total amount of gifts made to qualified donees (line 5040 of your return)		
		960 6	
	Add lines 845 to line 855		
	Line 860 minus line 840. This is your charity's disbursement quota excess or sho	The second	
	If a shortfall exists (line 865 is negative), your charity can draw on disburs shortfall. If no excesses are available to draw on, your charity can try to sp to cover the shortfall.		
	Class A. E-standard the distancement made conduction of the second field		
Step 2. Estimating the disbursement quota requirement for the next fiscal period			
Average value of property not used in charitable activities or administration prior to the next fiscal period (line 5910 from your return)			
	If line 870 is \$1,000,000 or less	If line 870 is over \$1,000,000	
		Line 870 minus \$1,000,000	
		Line 880 multiplied by 5%	
	Multiply line 870 by 3.5%	Line 885 plus \$35,000	
	The amount shown at line 875 or line 890 is your charity's estim	ated disbursement quota requirement for the next fiscal period.	01
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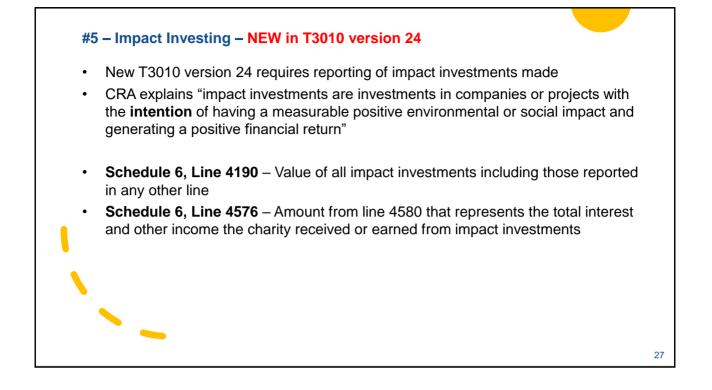
- Section C, C3 Line 2000 report gifts to QDs
- Section C, C4 Line 2100 activities outside Canada, but not qualifying disbursements
- Schedule 6 Line 5045 report total amount of grants to non-QDs

• Se	Ection C, C16 – lines 5840, 5841, 5842, 5843 Image: Did the charity make qualifying disbursements by way of grants to non-qualified donees (grantees) in the fiscal period? Image: Did the charity make qualifying disbursements by way of grants to non-qualified donees (grantees) in the fiscal period? Image: Did the charity make qualifying disbursements by way of grants to non-qualified donees (grantees) in the fiscal period? Image: Did the charity make grants to any grantees totalling more than \$5,000 in the fiscal period? Image: Did the charity make grants to any grantees totalling more than \$5,000 in the fiscal period? Image: Did the charity make grants to any grantees totalling to bursements: Grants to Non-Qualified Donees (Grantees). Image: Did the charity make grants totalling \$5,000 or less in the fiscal period. Image: Did the charity make grants totalling \$5,000 or less in the fiscal period. Image: Did the charity make grants totalling \$5,000 or less in the fiscal period. Image: Did time fiscal period field to grantees that received grants totalling \$5,000 or less in the fiscal period field to grantees that received grants totalling \$5,000 or less in the fiscal period field to grantees that received grants totalling \$5,000 or less in the fiscal period field to grantees that received grants totalling \$5,000 or less in the fiscal period field to grantees that received grants totalling \$5,000 or less in the fiscal period field to grantees that received grants totalling \$5,000 or less in the fiscal period field to grantees that received grants totalling \$5,000 or less in the fiscal period field to grantees that received grants totalling \$5,000 or less in the fiscal period field to grantees that received grants totalling \$5,000 or less in the fiscal period field to grantees that received grants totalling \$5,000 or l	
_	 Line 5840 – made a grant to non-QD (grantee) in the fiscal period? if yes, then complete lines 5841, 5842, and 5843 Line 5841 – made grants to non-QDs (grantees) totalling more than \$5,000? If yes, then complete T1441 (see next slide) Line 5842 – number of non-QDs (grantees) that received total \$5,000 or less in grants during the fiscal period Line 5843 – total amount of all grants to non-QDs (grantees) that received a total of \$5,000 or less during the fiscal period 	
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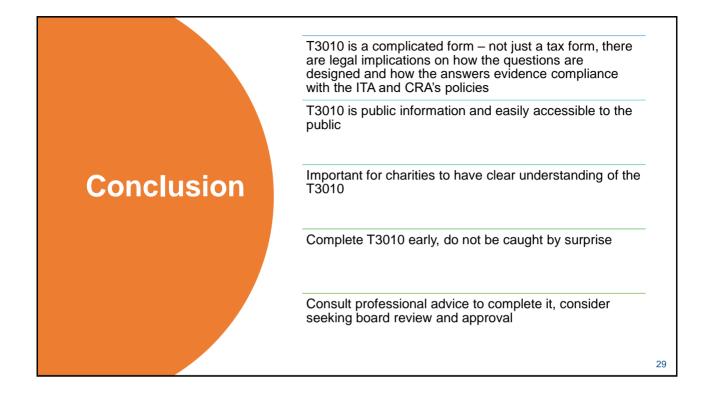
• T1441

- report number of grantees that received grants totalling more than \$5,000 during the fiscal period
- Complete information for each grant name of grantee, purpose of grant, amount of <u>cash disbursements</u>, amount of <u>non-cash disbursements</u>, country and country code of where grant activities carried out, (unless permission is obtained due to safety concerns)

Total number of grantees to which the charity made gra	rants totalling more than \$5,000 in the fiscal period:
Name of grantee	
Purpose of the grant	
Amount of non-cash disbursements \$	Amount of cash disbursements \$
If outside Canada, each country code and country where t	the activities were carried on
Name of grantee	
Purpose of the grant	
Amount of non-cash disbursements \$	Amount of cash disbursements \$
If outside Canada, each country code and country where t	the activities were carried on
a	



- However, CRA's definition of "impact investment" is different from the definition of the synonymous term, "social investment", under the Ontario *Charities Accounting Act* ("CAA")
 - Ontario Office of the Public Guardian and Trustee ("PGT") in its *Charities and* Social Investments Guidance (the "PGT Guidance") explains that "social investment means using a charity's funds to directly further its purposes and achieve a financial return. Social investments fall on a continuum ranging between charitable expenditures at one end and purely conventional investments at the other."
 - The CAA does <u>not</u> require that a "<u>positive</u> financial return" be gained because "financial return' is not required to be at market rates and depending on the terms of the investment, may not require a re-payment of the investment capital" (i.e. it would be acceptable even if a partial loss of capital occurs, so long as the investment was directly in furthering the charitable purposes of the charity)
- Due to the differences in how the CRA and PGT define "impact investment" and "social investment", it is important that charities do the necessary due diligence to ensure compliance with both
- Not clear if "impact investments" are PRIs under CRA's CED policy





Theresa L.M. Man, B.Sc., M.Mus., LL.B., LL.M. – A partner with Carters, Ms. Man practices in the area of charity and not-for-profit law, is ranked by *Lexpert, Best Lawyers in Canada*, and *Chambers and Partners*, and received the 2022 OBA AMS/John Hodgson Award of Excellence in Charity and Not-For-Profit Law. She is a co-author of *Corporate and Practice Manual for Charitable and Not-for-Profit Corporations* published by Thomson Reuters. She is a former member of the Technical Issues Working Group of the CRA Charities Directorate, a member and former chair of the CBA Charities and Not-for-Profit Law Section and the OBA Charities and Not-for-Profit Law Section. Ms. Man has also written on charity and taxation issues for various publications.

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