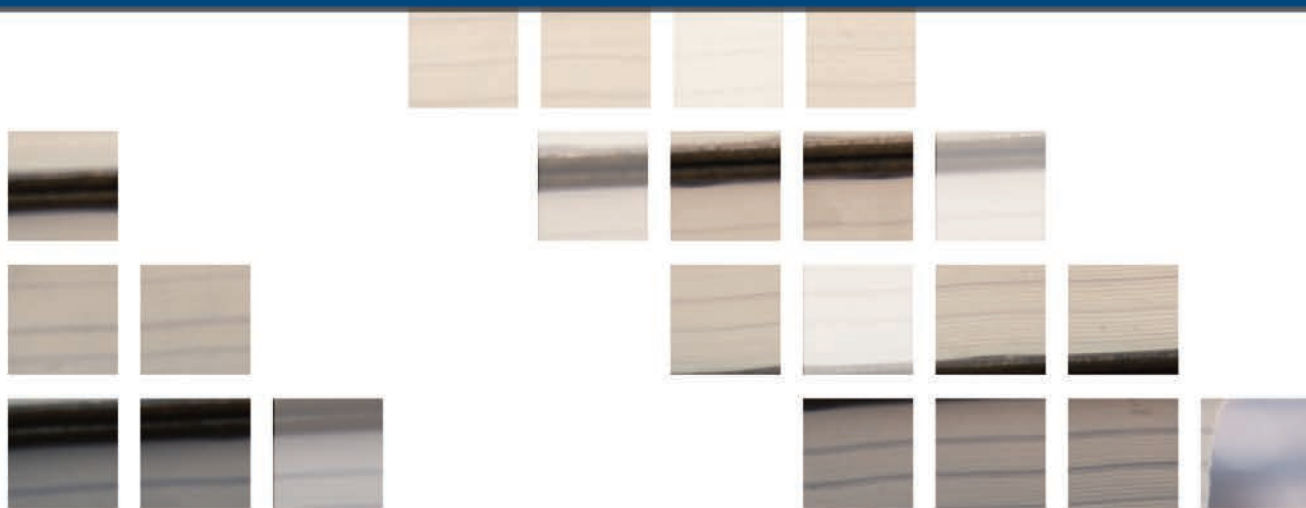




# 2018 - 2019 ANNUAL REPORT





***Our Vision***

*Just and Effective Laws*

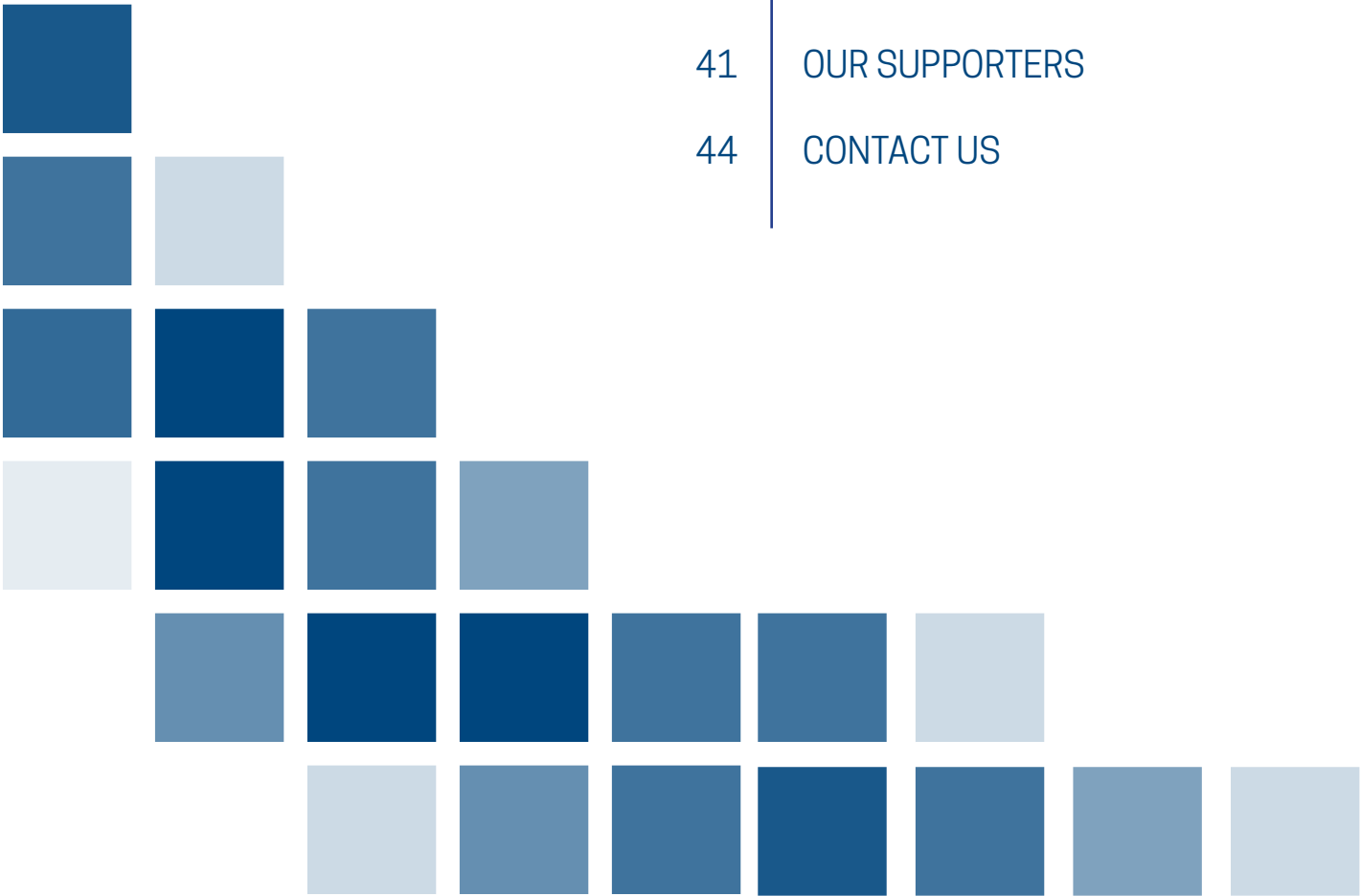
***Our Mission***

*Improve the Laws of Alberta*



# CONTENTS

4	FROM THE CHAIRMAN
5	FROM THE EXECUTIVE DIRECTOR
7	WHO WE ARE
13	WHAT WE DO
21	ENGAGEMENT
25	FUNDING
41	OUR SUPPORTERS
44	CONTACT US





## DONALD R CRANSTON QC, CHAIRMAN

As the new Chair of the Alberta Law Reform Institute, I would first like to extend my gratitude to the Honourable Judge Charles Gardner for his 10 years of outstanding leadership. I endeavour to follow his example and those who preceded him and wish him well as he retires from the ALRI Board.

2018-2019 was a milestone year for the Alberta Law Reform Institute. ALRI concluded one of its most significant projects to date on common-law property division, welcomed new members to its Board while saying goodbye to long serving members. The Institute also found time in its busy schedule to commemorate its 50th anniversary.

In late 2018, friends, colleagues and supporters of the Institute gathered at the Butternut Tree in Downtown Edmonton to mark our 50th year of operation. ALRI would like to thank all those who have helped build and elevate the Institute to its highly regarded status today.

The ALRI Board has also seen significant changes. Board members Justice Anne Kirker and Justice James Eamon reached their maximum terms. ALRI thanks them and Judge Gardner for helping the Institute improve laws for all Albertans.

As we said goodbye to outgoing colleagues, several prominent members of Alberta's legal community were welcomed to the Board. The Institute is honoured to have Donna Molzan Q.C., Alice Barnsley-Kamal, Kathleen Ryan Q.C., the Honourable Judge David G. Hancock and Honourable Justice June Ross accept ALRI Board membership. Their expertise and leadership will most welcomed at the Institute as we embark on several important initiatives.



## SANDRA PETERSSON, EXECUTIVE DIRECTOR

The past twelve months saw the Institute turn in a productive year of creating learning opportunities and positive legislative outcomes. We also welcomed several new staff and Board members who have brought new energy and insight that is already being reflected in our work.

Our project on property division for common-law couples was widely covered in the media and garnered substantial engagement from the legal community and general public. The final report was published in June 2018 to positive reception with our recommendations being incorporated into Bill 28, *The Family Statutes Amendment Act*, which ultimately received Royal Assent on December 11, 2018. Also on the publication front, ALRI closed out the year by publishing its Final Reports on *Interprovincial Recognition of Substitute Decision-making Documents* and the *Uniform International Commercial Arbitration Act*.

Marking another milestone was the release of all our major publications on CanLII. All ALRI Reports for Discussion and Final Reports from our 50 years of operation can now be accessed online at [www.canlii.org](http://www.canlii.org), Canada's most widely used source of legal research.

This year, ALRI also sought to promote the awareness and value of law reform among future generations of legal professionals. To this end, ALRI and the University of Alberta Law Faculty created an experiential learning internship focused on reform of the *Personal Property Security Act*. The program was led by me, Professor Roderick Wood, and Professor Tamara Buckwold, both also experienced law reformers.

In October, ALRI hosted law reform agencies from British Columbia, Saskatchewan, Manitoba, and Ontario to participate in the 14th Federation of Law Reform Agencies of Canada Symposium. It was an excellent opportunity to exchange knowledge with our peers and learn about the different challenges each agency faces in their respective province. We were also thrilled to be able to connect by teleconference with representatives from new law reform agencies in Nova Scotia and Quebec.

ALRI saw several changes in its staff this year. Geneviève Tremblay-McCaig relocated to Victoria after 11 years of dedicated service as legal counsel. She was an integral part of the ALRI team and is sorely missed. We wish her all the best as she pursues new opportunities and adventures. The Institute ran two recruitment campaigns and were fortunate to have Stella Varvis, Jennifer Taylor, and Matthew Mazurek join our team as legal counsel.

I would also like to take this opportunity to thank departing ALRI Board members Justice Anne Kirker, Justice James Eamon, and Judge Charles Gardner. They were highly respected members of the ALRI Board who made major contributions to the work and reputation of the Institute. I would also like to thank Board member Don Cranston QC for accepting the position of Board Chair. The Board is fortunate to have Mr. Cranston at the helm as we begin several new law reform projects.





*Our Vision*  
*Just and Effective Laws*

*Our Mission*  
*Improve the Laws of Alberta*



WHO WE ARE



*The Alberta Law Reform Institute was established in November 1967 by the Attorney General of Alberta, the Governors of the University of Alberta and the Law Society of Alberta.*

The Alberta Law Reform Institute was established in November 1967 by the Attorney General of Alberta, the Governors of the University of Alberta and the Law Society of Alberta. We continue to operate to this day under a tripartite agreement between our founding partners and are funded by the Alberta Law Foundation, Alberta Justice and Solicitor General and the University of Alberta. Funding in kind is provided by the University of Alberta and University of Calgary.

Our Board consists of members appointed by our founding partners:

- one elected Benchers appointed by the Law Society of Alberta
- two persons appointed by the Minister of Justice and Solicitor General
- the Provost of the University of Alberta or an academic staff member appointed by the Provost

Other Board members are appointed as follows:

- one person appointed by the Faculty of Law at the University of Alberta
- one person appointed by the Faculty of Law at the University of Calgary
- four to seven additional members chosen by the other members of the Board
- ALRI's executive director

## BOARD MEMBERS

Alice Barnsley-Kamal (from Nov 2018)  
 Donald Cranston, QC (Chair from Jun 2018)  
 Mona Duckett QC, Vice Chair  
 The Hon. Justice James Eamon (to Jan 2019)  
 The Hon. Judge Charles Gardner, (Chair to Nov 2018)  
 The Hon. Judge David Hancock (from Mar 2019)  
 The Hon. Justice Anne Kirker (to Jan 2019)  
 Jennifer Koshan  
 Deirdre McKenna  
 Donna Molzan, QC (from Nov 2018)  
 Paul Paton  
 Sandra Petersson  
 Karen Platten, QC  
 The Hon. Justice June Ross (from Mar 2019)  
 Kathleen Ryan, QC (from Mar 2019)  
 Roderick Wood  
 Lisa Weber

Alberta Justice and Solicitor General  
 Partner, Bennett Jones  
 Partner, Dawson Duckett Garcia & Johnson  
 Court of Queen's Bench of Alberta  
 Provincial Court of Alberta  
 Provincial Court of Alberta  
 Court of Queen's Bench  
 Professor, Faculty of Law, University of Calgary  
 Partner, Davidson & William LLP  
 Alberta Justice and Solicitor General  
 Dean, Faculty of Law, University of Alberta  
 Executive Director, Alberta Law Reform Institute  
 Partner, McLennan Ross LLP  
 Court of Queen's Bench  
 Law Society of Alberta  
 Professor, Faculty of Law, University of Alberta  
 Weber Law

## STAFF MEMBERS

Laura Buckingham  
 Carol Burgess  
 Barry Chung  
 Ilze Hobin  
 Jenny Koziar  
 Katherine MacKenzie  
 Matthew Mazurek (from January 2019)  
 Sandra Petersson  
 Jennifer Taylor (from October 2018)  
 Geneviève Tremblay-McCaig  
 Stella Varvis

Counsel  
 Operations Manager  
 Communications Associate  
 Administrative Assistant  
 Executive Assistant  
 Counsel  
 Counsel  
 Executive Director  
 Counsel  
 Counsel  
 Counsel



In June 2018, ALRI established a corporate entity under the Canada *Not-for-Profits Act* with a view to formalising ALRI's operations and existence in 2019.

## OUR BOARD

The ALRI Board has consistently benefitted from highly regarded experts from the Alberta legal community. Lawyers and judges on the Board contributed over 245 hours to ALRI Board and committee meetings. While we did see some veteran leadership leave the Board this past year, we are excited and privileged to have amazing new Board members.

### **Judge Charles Gardner**

Judge Gardner joined the ALRI Board in November 2009 and chaired the Board since 2015. During his 10 years of service he brought a wealth of expertise and court perspective to the Institute's work. ALRI thanks him for his dedication throughout his time.

### **Justice Kirker**

Justice Kirker joined the ALRI Board in February 2010 as a member-at-large and continued after her appointment to the Bench in May 2018. She also served on the Institute's Board Succession Committee.

### **Justice Eamon**

Justice Eamon also joined ALRI in February 2010 as the Law Society of Alberta representative and served as a member-at-large after that appointment ended. He continued on the Board after his appointment to the Bench in October 2016. In addition to informing project recommendations, Justice Eamon served on the Institute's Audit Committee.

### **Donna Molzan, QC**

Ms. Molzan was appointed on a 3 year term by the Minister of Justice and Solicitor General and brings 25 years of experience as a member of the Legislative Reform Team. Her deep understanding of legislative and policy development processes will be a valuable asset to ALRI. In addition to her professional experience, Ms. Molzan has been a sessional instructor at the University of Alberta Law School for the last 10 years.

### **Alice Barnsley-Kamal**

Ms. Barnsley-Kamal was appointed on a 3 year term by the Minister of Justice and Solicitor General and comes to ALRI with 15 years of service in the Legal Service Division of Alberta Justice. She is the Assistant Deputy Minister of Legislative Review and has expertise in constitutional law and legislative development. She has been an avid volunteer at the Canadian Bar Association and various non-profit organizations.

### **Judge Dave Hancock**

Justice Hancock is the former Minister of Justice and has also served as Deputy Premier and Premier of Alberta. He served as an Alberta MLA for 18 years before retiring in 2014.







*Lawyers and  
judges on the Board  
contributed over 245  
hours to ALRI  
Board and committee  
meetings.*

Justice Hancock practiced criminal, civil, family and corporate law prior to serving as MLA. He is a judge of the Provincial Court, Family and Youth Division.

#### **Justice June Ross**

Justice Ross joined the ALRI Board in February of 2019 and is no stranger to the Institute. She was lead counsel on ALRI's monumental Rules of Court Project until she was appointed to the Court of Queen's Bench in 2003. Before her appointment she was a law professor at the University of Alberta.

#### **Kathleen Ryan, QC**

Ms. Ryan comes to ALRI as partner at DLA Piper. She is an elected Bencher and will serve as Representative of the Law Society of Alberta. She is recognised as leader in the areas of consumer and injury litigation, professional malpractice, employment litigation and commercial litigation

## **ALRI ALUMNI**

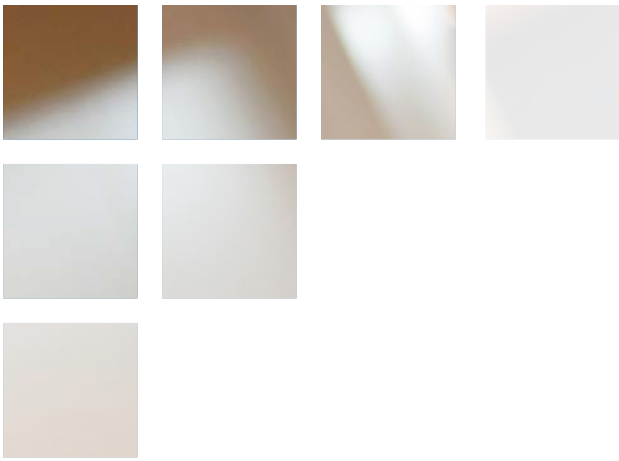
The work of law reform has a natural tendency to attract individuals with an intrinsic desire to improve their community. Individuals that have worked with ALRI are no exception and are consistently among those who are recognized for their dedication.

Professor Tamara Buckwold who has authored several law reform reports received the Distinguished Service Award from the CBA and the Law Society of Alberta. Former Board member Nigel Bankes won the Clyde O. Martz Teaching award from the Rocky Mountain Mineral Law Foundation. Former ALRI student Frank Friesacher was especially busy in the legal community as president of the Alberta Branch of the Canadian Bar Association.

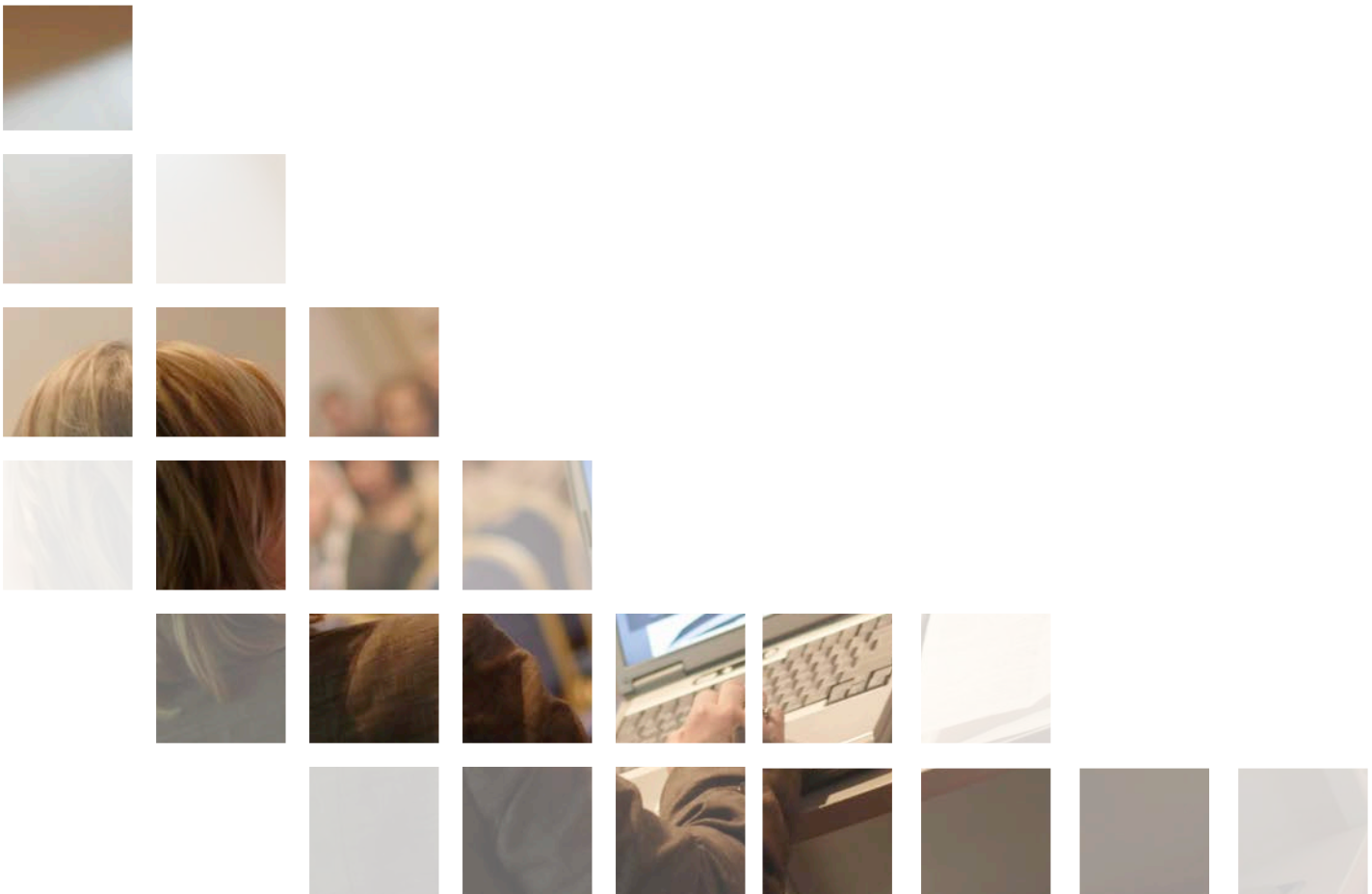








## WHAT WE DO





# 2018-2019 HIGHLIGHTS

Final Report 112, *Property Division: Common-law Couples and Adult Interdependent Partners* was published in June 2018 and was positively received by the legal community and general public.

Bill 28, The Family Statutes Amendment Act had its first reading in the Alberta Legislature and incorporated many of ALRI's recommendations. It received unanimous praise from both sides of the legislature.

The Bill ultimately received Royal Assent on December 11, 2018 and will go into force January 1, 2020 when the Matrimonial Property Act will be renamed the Family Property Act.



ALRI's Final Report on interprovincial recognition of substitute decision-making documents was published March 2019.

ALRI conducted several roundtable discussions with experts in this field but consultation feedback from the medical and financial sectors was limited. Support for implementing the Uniform Act was low and ultimately, no recommendations for legislative change were put forth by ALRI.

Alberta's current International Commercial Arbitration Act is based on uniform legislation developed in 1986. The Alberta Act has fallen behind the advances that are being made internationally and in other provinces.

In mid-2018 the Institute assembled a project advisory committee to contribute to its project on implementing the Uniform Law Conference of Canada's Uniform International Commercial Arbitration Act in Alberta.

The committee met in Calgary and Edmonton in November 2018 to discuss if and how the Uniform Act could be implemented in Alberta. A Final Report is complete and scheduled to be published in April 2019.





***Our Vision***  
*Just and effective laws*

***Our Mission***  
*Improve the laws of Alberta*

ALRI's mission is to improve the laws in Alberta. We provide independent, comprehensive advice to the Government of Alberta and other agencies to ensure that the law and the administration of justice are kept up-to-date and serve Albertans to the best extent possible.

Our mandate for law reform is set out in the objectives in the 2017 Continuation Agreement:

- the consideration of matters of law reform with a view to proposing to the appropriate authority the means by which laws of Alberta may be made more useful and effective; and
- the preparation of proposals for law reform in Alberta, with respect to both the substantive law and the administration of justice.

**Publications and Implementation**

With most of ALRI's current projects are still in their intermediate stages, the Institute focused much of its effort on finishing three projects. Final Report 112, *Property Division: Common-law Couples and Adult Interdependent Partners* was published in June of 2018 while Final Report 113, *Interprovincial Recognition of Substitute Decision-making Documents: Personal Directives* was published in March 2019. Our Final Report on international commercial arbitration was completed with publication deferred to after the Alberta election.

**Final Report 112, Property Division: Common-law Couples and Adult Interdependent Partners**

Final Report 112 was a signature project that required extensive consultation from the legal community and general public. Our recommendations reflected the changing landscape of Alberta's family relationships making it essential that we put forth policy options that would address the needs of Albertans today and long into the future.

The Institute worked with the Population Research Lab at the University of Alberta to gain valuable data that would establish support to fill a large and growing gap in the law. ALRI sat down with practitioners from across Alberta at roundtable consultations in both Edmonton and Calgary to hear their feedback. The result was a set of policy recommendations that addressed the unique needs of the growing number of adult interdependent partners in Alberta.

Final Report 112, *Property Division: Common-law Couples and Adult Interdependent Partners* was published in June 2018 and was positively received by the legal community and general public. It addressed a reality that many Albertans faced or will face in the future and attracted widespread engagement from mainstream and legal media outlets. The Institute prepared a 6-page executive summary that was distributed to all Alberta MLAs.

ALRI Executive Director Sandra Petersson, Project Lead Counsel Laura Buckingham, and Counsel Geneviève Tremblay-McCaig met in-person with the Honourable Kathleen Ganley, Minister of Justice and Solicitor General to submit the Final Report.



## PRESENTATIONS AND CONSULTATIONS

### **Substitute Decision-making Documents**

Alberta Health Services, Decision-making Capacity Assessment  
Advisory Committee  
April 2018

### **Substitute Decision-making Documents**

University of Calgary, Division of Palliative Medicine  
April 2018

### **Substitute Decision-making Documents**

University of Alberta Advance Care Planning CRIO Program  
April 2018

### **Substitute Decision-making Documents**

Online Survey  
April 2018

### **ALRI Overview**

CBA Alberta Council  
May 2018

### **ALRI 50th Anniversary**

Law Society of Alberta  
September 2018

### **Property Division for Common-law Couples**

CBA Alberta Council  
October 2018

### **Uniform International Arbitration Act**

Edmonton Project Advisory Committee  
November 2018

### **Uniform International Arbitration Act**

Calgary Project Advisory Committee  
November 2018

*Bill 28 incorporated  
many of ALRI's  
recommendations and  
received unanimous  
praise from both sides of  
the legislature.*

With support from the Canadian Bar Association as an Agenda for Justice item, Bill 28, The *Family Statutes Amendment Act* had its first reading in the Alberta Legislature. Bill 28 incorporated many of ALRI's recommendations and received unanimous praise from both sides of the legislature. ALRI was present and was formally recognized for our contributions at the second reading of Bill 28. The Bill ultimately received Royal Assent on December 11, 2018 and will go into force January 1, 2020 when the *Matrimonial Property Act* will be renamed the *Family Property Act*.

#### **Final Report 113, Interprovincial Recognition of Substitute Decision-making Documents: Personal Directives**

This final report reviews ALRI's consultation process and the feedback ALRI received in response to its preliminary report on whether Alberta should implement the *Uniform Interjurisdictional Recognition of Substitute Decision-Making Documents Act* (2016).

ALRI conducted several roundtable discussions with experts in this field but consultation feedback from the medical and financial sectors was limited. Support for implementing the Uniform Act was low and ultimately, no recommendations for legislative change were put forth by ALRI.

#### **Final Report 114: Uniform International Commercial Arbitration Act**

Alberta's current *International Commercial Arbitration Act* is based on uniform legislation developed in 1986. The Alberta Act has fallen behind the advances that are being made internationally and in other provinces. By updating its legislation, Alberta will catch up to those jurisdictions that have already implemented the changes. Uniformity of international commercial arbitration law is important to ensure consistency for foreign users who may be unfamiliar with Canada's federal system of government. Uniformity will also ensure that Canada can remain competitive as a host jurisdiction for these types of arbitrations.

In mid-2018 the Institute assembled a project advisory committee to contribute to its project on implementing the Uniform Law Conference of Canada's *Uniform International Commercial Arbitration Act* in Alberta. The committee met in Calgary and Edmonton in November 2018 to discuss if and how the Uniform Act could be implemented in Alberta. A Final Report is complete and scheduled to be published in April 2019.



1. The Criminal Appeal process is a complex one, involving a number of steps and a number of different courts. The process is designed to ensure that the accused has a fair trial and that the court's decision is correct. The process is also designed to ensure that the court's decision is based on the facts of the case and the law.

2. The Criminal Appeal process is a complex one, involving a number of steps and a number of different courts. The process is designed to ensure that the accused has a fair trial and that the court's decision is correct. The process is also designed to ensure that the court's decision is based on the facts of the case and the law.

3. The Criminal Appeal process is a complex one, involving a number of steps and a number of different courts. The process is designed to ensure that the accused has a fair trial and that the court's decision is correct. The process is also designed to ensure that the court's decision is based on the facts of the case and the law.

## A. Criminal Appeals are Complex

4. The first stage in any criminal appeal is that a trial judge or Crown, must determine if there is a satisfactory trial outcome. The right to appeal must be determined in a particular decision and the court's jurisdiction to appeal a criminal trial decision and the court's jurisdiction to appeal are provided in the next section.

5. The first stage in any criminal appeal is that a trial judge or Crown, must determine if there is a satisfactory trial outcome. The right to appeal must be determined in a particular decision and the court's jurisdiction to appeal a criminal trial decision and the court's jurisdiction to appeal are provided in the next section.

6. The first stage in any criminal appeal is that a trial judge or Crown, must determine if there is a satisfactory trial outcome. The right to appeal must be determined in a particular decision and the court's jurisdiction to appeal a criminal trial decision and the court's jurisdiction to appeal are provided in the next section.

7. The first stage in any criminal appeal is that a trial judge or Crown, must determine if there is a satisfactory trial outcome. The right to appeal must be determined in a particular decision and the court's jurisdiction to appeal a criminal trial decision and the court's jurisdiction to appeal are provided in the next section.

8. The first stage in any criminal appeal is that a trial judge or Crown, must determine if there is a satisfactory trial outcome. The right to appeal must be determined in a particular decision and the court's jurisdiction to appeal a criminal trial decision and the court's jurisdiction to appeal are provided in the next section.

1 The Right to a Fair Trial in the Criminal Justice System in England and Wales  
2 The Right to a Fair Trial in the Criminal Justice System in England and Wales (London: H.M.S.O. 1997)



*As part of ALRI's strategic goal of increasing engagement and transparency, the Institute took a more active approach to soliciting suggestions for law reform projects.*

## CURRENT AND NEW PROJECTS

### **Personal Property and Security Act Internship**

ALRI's work on renewing the Alberta *Personal Property Security Act* involves a hands-on law reform internship - the first in Canada. Based on the work of the Canadian Conference on Personal Property Security Law, eight law students have prepared papers on how to update Alberta legislation. We are fortunate to have the PPSA and law reform expertise of Professors Roderick Wood and Tamara Buckwold to work with the students. ALRI's executive director and legal counsel facilitated seminars on basic concepts of law reform.

### **Adverse Possession**

ALRI is reviewing how disputes regarding possession of land can be resolved effectively and equitably. In many cases that might qualify as adverse possession, one or both parties do not know that there is a trespass on land owned by another. Lack of knowledge reinforces why disputes should be resolved equitably and perhaps not in sole reliance on land titles registration.

## PROJECT SELECTION

As part of ALRI's strategic goal of increasing engagement and transparency, the Institute took a more active approach to soliciting suggestions for law reform projects. Calls for proposals were regularly posted to social media and email communications while ALRI staff promoted the Institute's channels for submitting suggestions to the legal community at various professional meetings and presentations. As a result, the Institute received over sixty suggestions between 2016 and 2018. ALRI published this list along with its project selection process in November of 2018 as part of its goal of being more transparent.

The topics approved by the Board to be considered for future projects are:

- Indigenous Peoples and Reconciliation
- Not-for-Profits Corporations
- *Alberta Human Rights Act*
- *Legal Profession Act*
- *Dower Act*
- Uniform Police Records Check
- Commercial Tenancies
- Digital Assets
- Support for Children from a the Estate of a Person who was in Loco Parentis

# McLENNAN ROSS HALL

## Our Process

### Research

We conduct and direct research into law and the administration of justice.

### Consult

Projects involve thorough research and consultation before being published as a comprehensive final report with recommendations for government implementation.

### Recommend

Propose to the Government of Alberta the means by which the law may be made more useful and effective.

## Featured Projects

- Adverse Possession
- Informal Public Access
- Non-profit Organizations
- Interpretation of the Rules of Court
- Substantive Law
- Unsettled Issues

Dedicated to advancing *law and justice* independent legal research

INSPIRED BY:  
A CAREER WITH  
VARIETY

Featuring  
McLENNAN ROSS

WHY  
HIRE





ENGAGEMENT



**1521**  
PROJECT PAGE  
VIEWS

**1,600**  
TWEETS  
SHARES  
LIKES  
CLICKS

**25**  
ARTICLES  
CASE CITATIONS

**4**  
TELEVISION  
AND RADIO  
INTERVIEWS

Much of ALRI's engagement with the media over the last year revolved around our project on common-law property division. Lead project counsel Laura Buckingham did the heavy lifting for the Institute as she was interviewed nine times by print, television, and radio outlets.

## NEWS ARTICLES AND BLOG POSTS

### **Alberta think tank recommends new provincial rules for common law couples**

The Lawyer's Daily

June 2018

<https://www.thelawyersdaily.ca/articles/6832/alberta-think-tank-recommends-new-provincial-rules-for-common-law-couples?category=news>

### **New laws needed to help common law couples divide property, experts say**

The Star

June 2018

<https://www.thestar.com/edmonton/2018/06/27/new-laws-needed-to-help-common-law-couples-divide-property-experts-say.html>

### **Breaking up is hard to do, ABLawg**

July 2018

<https://ablawg.ca/2018/07/03/breaking-up-is-hard-to-do-but-dividing-property-shouldnt-be/>

### **For 50 years, the Alberta Law Reform Institute has ensured our laws work smoothly**

UAlberta Law

October 2018

<https://www.ualberta.ca/law/about/news/celebrating-research/2018/october/alri-50>

### **Property division for common-law couples who split tackled in new bill**

CBC News

November 2018

<https://www.cbc.ca/news/canada/edmonton/alberta-common-law-legislation-couples-property-division-1.4915419>

### **Alberta legislation on common law partners big step forward, says legal think tank**

The Lawyer's Daily

December 2018, The Lawyer's Daily

<https://www.thelawyersdaily.ca/family/articles/8846/alberta-legislation-on-common-law-partners-big-step-forward-says-legal-think-tank>

*Much of ALRI's engagement with the media over the last year revolved around our project on common-law property division.*

**New Law Entitles Common-law Couples to 50-50 Property Split, UAlberta Law**

University of Alberta, Faculty of Law

December 2018

<https://www.ualberta.ca/law/about/news/celebrating-research/2018/december/common-law-split>

**From Recommendation to Legislation: Bill 28 Implements ALRI's Recommendations about Property Division for Common-law Couples**

ABLawg

December 2018

<https://ablawg.ca/2018/12/12/from-recommendation-to-legislation-bill-28-implements-alris-recommendations-about-property-division-for-common-law-couples/>

## RADIO/TELEVISION

**CBC Eye Opener Radio Interview**

June 2018

[https://www.cbc.ca/listen/live-radio?radio\\_one=edmonton&cbc\\_music=edmonton](https://www.cbc.ca/listen/live-radio?radio_one=edmonton&cbc_music=edmonton)

**CBC Radio Edmonton AM**

June 2018

<https://www.cbc.ca/player/play/1266950211535>

**The Alberta Morning News with Peter Watts**

July 2018

<https://omny.fm/shows/alberta-morning-news/common-law-property>

**Global News Morning, Television Interview with Erin Chalmers**

September 2018

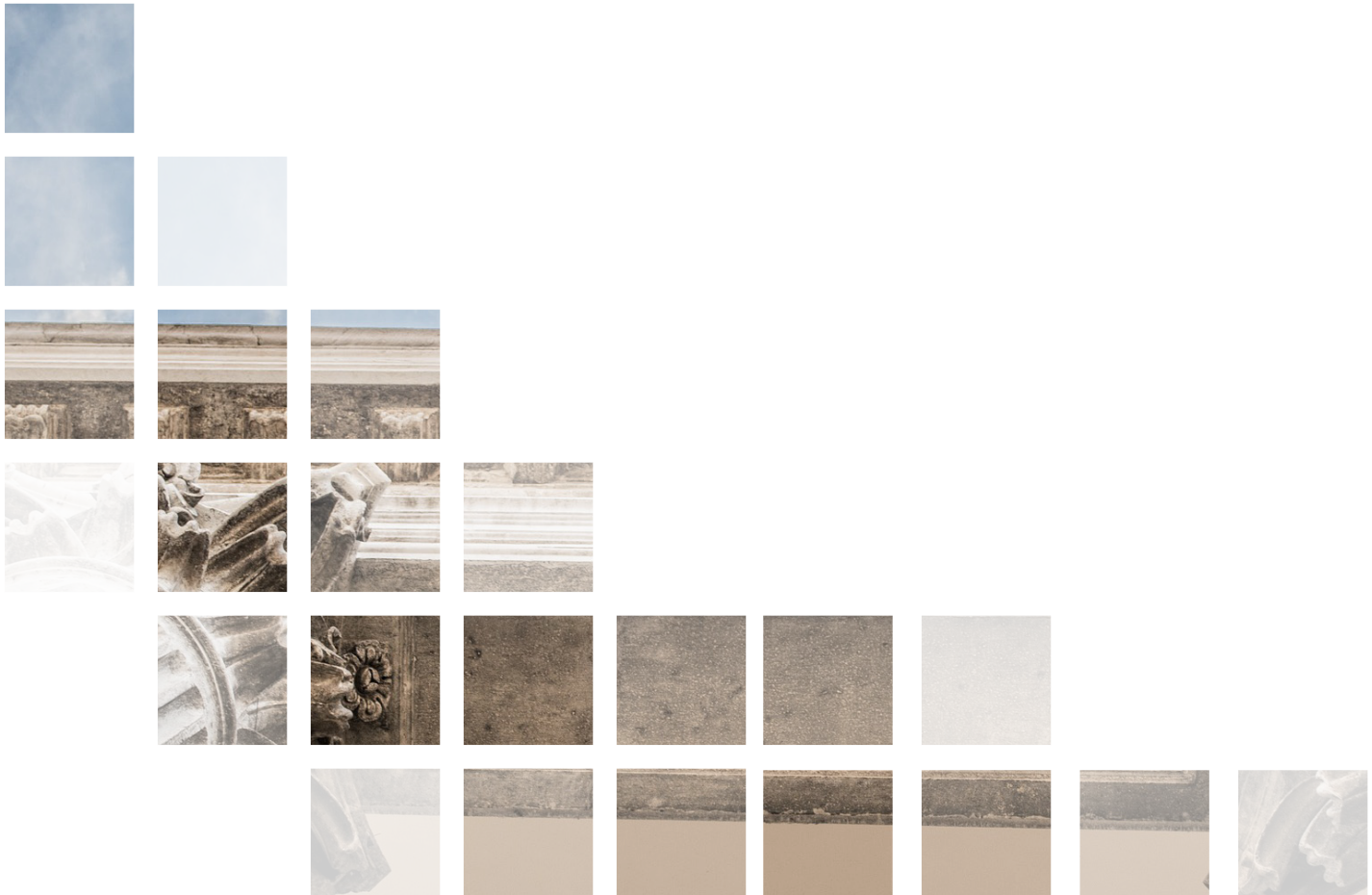
<https://globalnews.ca/video/4473663/how-common-law-relationships-are-not-the-same-as-marriage-in-alberta>



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458	4	5832	47	25	36	58	25	14	25	✓
475	74	65						7458232	4582	
252	74	1425						36256	3562	
12	425	35698						-12014	589632	
52	143	569382						25,86971	256983	
44	1	4758						14286	4752	
589264	43562	1328697	25					4522655	14482	
41437	1344	47352	748					473859262	253867064	
52	78	45826						764659865	568653	
252	557575	52896						52386	5234376	
525	7248	525398						1466579	41257	
25536	578896	785						259	528	
4187	4428687	48239						7854	7459	
125	424588625	448896						12546	5862	
57542	6,6424752	25563						589632	365	
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555	5	1452						1245	360254	
452	454	7785696						36527	1254788	
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58269	45255	78566	7859746	365555	522395	4744	5269	44125	8562,254	



## FUNDING



# OUR FUNDERS

ALBERTA JUSTICE &  
SOLICITOR GENERAL

\$500,000

ALBERTA LAW FOUNDATION

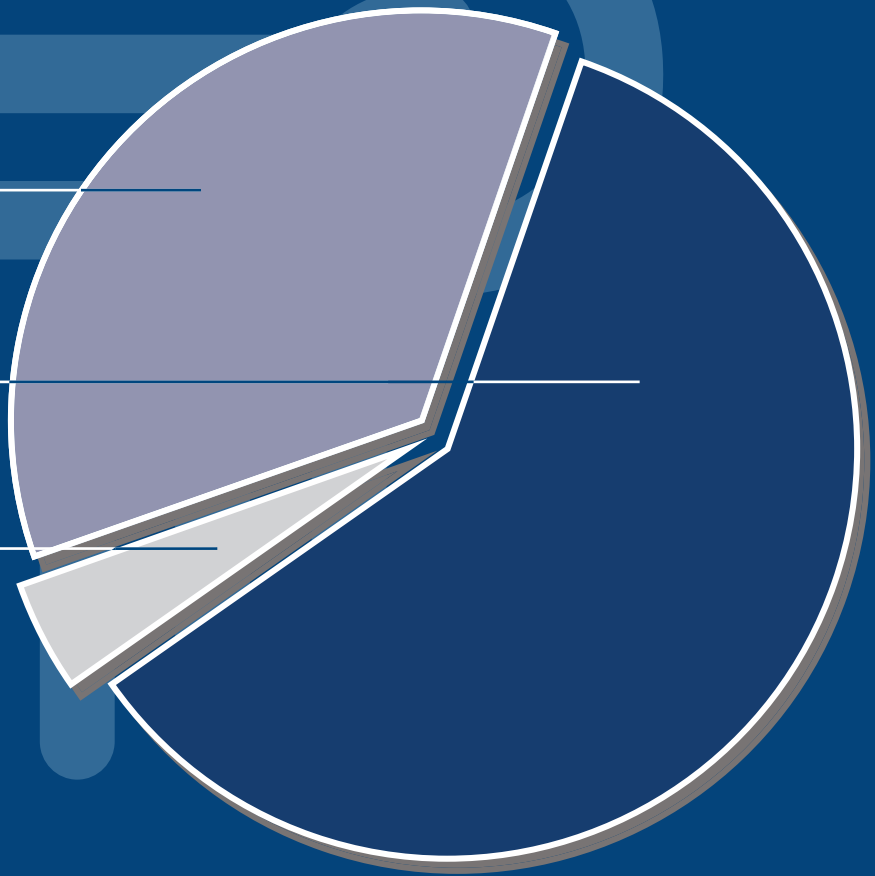
\$828,010

UNIVERSITY OF ALBERTA

\$60,000

TOTAL FUNDING

\$1,388,010



In 2017-2018, Institute funding was received from the following sources:

<b>Alberta Law Foundation</b>	<b>\$828,010</b>
<b>Alberta Justice &amp; Solicitor General</b>	<b>\$500,000</b>
<b>University of Alberta</b>	<b>\$60,000</b>

Traditionally, the majority of ALRI's funding has come from the Alberta Law Foundation with another substantial portion coming from Alberta Justice & Solicitor General. Office space and services in kind are provided by the University of Alberta and University of Calgary.

Further information on our funding, additional revenue, expenses and assets is set out in the financial statements.



**ALBERTA LAW REFORM INSTITUTE**  
**Financial Statements**  
**Year Ended March 31, 2019**



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## INDEPENDENT AUDITOR'S REPORT

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To the Members of Alberta Law Reform Institute

### *Opinion*

We have audited the financial statements of Alberta Law Reform Institute (the Institute), which comprise the statement of financial position as at March 31, 2019, and the statements of operations, changes in net assets and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Institute as at March 31, 2019, and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

### *Basis for Opinion*

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of the Institute in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with those requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### *Responsibilities of Management and Those Charged with Governance for the Financial Statements*

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Institute's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless management either intends to liquidate the Institute or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Institute's financial reporting process.

(continues)

Independent Auditor's Report to the Members of Alberta Law Reform Institute *(continued)*

*Auditor's Responsibilities for the Audit of the Financial Statements*

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements. As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Institute's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Institute's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Institute to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Edmonton, Alberta  
July 16, 2019

*KBH*  
Chartered Accountants

# ALBERTA LAW REFORM INSTITUTE

## Statement of Financial Position

March 31, 2019

	2019	2018
<b>ASSETS</b>		
<b>CURRENT</b>		
Cash	\$ 619,551	\$ 446,669
Restricted cash (Note 4)	3,950	6,095
	<u>623,501</u>	<u>452,764</u>
EQUIPMENT (Note 5)	7,754	7,594
INVESTMENTS HELD FOR SPECIAL RESERVE (ORDERLY WIND DOWN) FUND (Note 6)	1,059,356	1,046,806
	<u>\$ 1,690,611</u>	<u>\$ 1,507,164</u>
<b>LIABILITIES</b>		
<b>CURRENT</b>		
Accounts payable and accrued liabilities	\$ 112,695	\$ 110,710
Grant funding repayable	162,166	100,955
Deferred contributions (Note 4)	3,950	6,095
	<u>278,811</u>	<u>217,760</u>
<b>NET ASSETS</b>		
Invested in equipment	7,754	7,594
Restricted - Special Reserve (Orderly Wind Down) Fund (Note 7)	1,059,356	1,046,806
Reserve Fund (Board Discretion) (Note 8)	285,284	187,359
Unrestricted	59,406	47,645
	<u>1,411,800</u>	<u>1,289,404</u>
	<u>\$ 1,690,611</u>	<u>\$ 1,507,164</u>
<b>SUBSEQUENT EVENT (Note 14)</b>		

ON BEHALF OF THE BOARD

 Director

 Director

# ALBERTA LAW REFORM INSTITUTE

## Statement of Operations

Year Ended March 31, 2019

	2019	2018
<b>REVENUE</b>		
Grants (Note 9)	\$ 1,234,558	\$ 1,306,374
Investment income (Note 10)	10,943	4,009
Other income	1,607	640
	<u>1,247,108</u>	<u>1,311,023</u>
<b>EXPENSES</b>		
Amortization	2,965	3,857
Audit	13,625	12,368
Bank charges	939	124
Board	10,210	11,033
Communication	749	831
Consultants and professional services	2,000	8,035
Equipment rental	2,603	2,614
Information technology support	8,874	4,326
Insurance	3,212	1,000
Library	1,247	1,224
Meetings and seminars	876	1,315
Memberships, dues and subscriptions	17,413	13,025
Postage	1,076	1,277
Printing and copying	2,193	2,503
Professional development	11,148	7,007
Salaries and benefits	997,537	1,131,798
Supplies and materials	8,479	13,289
Survey costs	-	4,140
Telephone and fax	6,346	6,640
Travel (staff)	14,756	12,732
50th anniversary	11,896	-
	<u>1,118,144</u>	<u>1,239,138</u>
<b>EXCESS OF REVENUE OVER EXPENSES</b>	<u>\$ 128,964</u>	<u>\$ 71,885</u>

# ALBERTA LAW REFORM INSTITUTE

## Statement of Changes in Net Assets

Year Ended March 31, 2019

	2018 Balance	Excess of revenue over (under) expenses	Interfund transfers (Note 12)	Transfer (to) from deferred contributions (Note 4)	2019 Balance
Invested in Equipment	\$ 7,594	\$ (2,965)	\$ 3,125	\$ -	\$ 7,754
Restricted - special reserve (orderly wind down) fund	1,046,806	12,550	-	-	1,059,356
Reserve fund (board discretion)	187,359	-	97,925	-	285,284
Unrestricted	47,645	119,379	(101,050)	(6,568)	59,406
	<u>\$ 1,289,404</u>	<u>\$ 128,964</u>	<u>\$ -</u>	<u>\$ (6,568)</u>	<u>\$ 1,411,800</u>



# ALBERTA LAW REFORM INSTITUTE

## Statement of Cash Flows

Year Ended March 31, 2019

	2019	2018
<b>OPERATING ACTIVITIES</b>		
Excess of revenue over expenses	\$ 128,964	\$ 71,885
Item not affecting cash:		
Amortization	2,965	3,857
	<u>131,929</u>	<u>75,742</u>
Changes in non-cash working capital:		
Accounts payable and accrued liabilities	1,985	96,599
Grant funding repayable	61,211	13,177
Deferred contributions (Note 4)	(8,713)	(3,409)
	<u>54,483</u>	<u>106,367</u>
Cash flow from operating activities	<u>186,412</u>	<u>182,109</u>
<b>INVESTING ACTIVITIES</b>		
Purchase of equipment	(3,125)	(4,042)
Purchase of short term investment	-	(800,000)
Interest invested in short term investment	(6,800)	-
Cash flow used by investing activities	<u>(9,925)</u>	<u>(804,042)</u>
<b>INCREASE (DECREASE) IN CASH FLOW</b>	<u>176,487</u>	<u>(621,933)</u>
Cash - beginning of year	<u>699,570</u>	<u>1,321,503</u>
<b>CASH - END OF YEAR</b>	<u>\$ 876,057</u>	<u>\$ 699,570</u>
<b>CASH CONSISTS OF:</b>		
Cash	\$ 619,551	\$ 446,669
Restricted cash	3,950	6,095
Cash held in special reserve (orderly wind down) fund (Note 6)	<u>252,556</u>	<u>246,806</u>
	<u>\$ 876,057</u>	<u>\$ 699,570</u>

# ALBERTA LAW REFORM INSTITUTE

## Notes to Financial Statements

Year Ended March 31, 2019

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### 1. PURPOSE OF ORGANIZATION

The Alberta Law Reform Institute was established in 1968 by the Attorney General of Alberta, the Governors of the University of Alberta and the Law Society of Alberta.

The objectives of the Institute are:

- (a) the consideration of matters of law reform with a view to proposing to the appropriate authority the means by which laws of Alberta may be made more useful and effective; and
- (b) the preparation of proposals for law reform in Alberta, with respect to both the substantive law and the administration of justice.

As a not-for-profit organization, the Institute is not subject to taxation.

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### 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

#### Basis of presentation

The financial statements were prepared in accordance with Canadian accounting standards for not-for-profit organizations (ASNFPO).

#### Financial instruments

##### Measurement

The Institute initially measures its financial assets and liabilities at fair value, except for certain non-arm's length transactions. The entity subsequently measures all its financial assets and financial liabilities at amortized cost, except for investments in equity instruments that are quoted in an active market, which are measured at fair value. Changes in fair value are recognized in excess of revenue over expenses.

Financial assets measured at amortized cost include cash, restricted cash and investments held for special reserve (orderly wind down) fund. Financial liabilities measured at amortized cost include the accounts payable and accrued liabilities and grant funding repayable.

##### Impairment

Financial assets measured at cost are tested for impairment when there are indicators of impairment. The amount of the write-down is recognized in excess of revenue over expenses. The previously recognized impairment loss may be reversed to the extent of the improvement, directly or by adjusting the allowance account, provided it is no greater than the amount that would have been reported at the date of the reversal had the impairment not been recognized previously. The amount of the reversal is recognized in excess of revenue over expenses.

##### Transaction costs

The Institute recognizes its transaction costs in excess of revenue over expenses in the period incurred. However, financial instruments that will not be subsequently measured at fair value are adjusted by the transaction costs that are directly attributable to their origination, issuance or assumption.

#### Cash

Cash includes cash held with banks. Cash subject to restrictions that prevent its use for current purposes is included in restricted cash (see note 4).

(continues)

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# ALBERTA LAW REFORM INSTITUTE

## Notes to Financial Statements

Year Ended March 31, 2019

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### 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES *(continued)*

#### Equipment

Equipment is stated at cost less accumulated amortization and amortized over their estimated useful lives at the following rates and methods:

Computer	30%	declining balance method
Office furniture and equipment	20%	declining balance method

#### Collections

The Institute maintains a library of research material and publications. Collections are expensed on acquisition.

#### Revenue recognition

The Institute follows the deferral method of accounting for contributions.

Restricted contributions are recognized as revenue in the year in which the related expenses are incurred. Unrestricted contributions are recognized as revenue when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured. Endowment contributions are recognized as direct increases in net assets.

Restricted investment income is recognized as revenue in the year in which the related expenses are incurred. Unrestricted investment income is recognized as revenue when earned.

#### Contributed services

Volunteers contribute a significant amount of their time each year. Because of the difficulty in determining fair value, contributed services are not recognized in the financial statements.

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### 3. FINANCIAL INSTRUMENTS

The Institute is exposed to various risks through its financial instruments. The following analysis provides information about the entity's risk exposure and concentration as at March 31, 2019.

#### Liquidity risk

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations associated with financial liabilities. The Institute is exposed to this risk mainly in respect of its receipt of funds from its grant providers and from obligations associated with its accounts payable and accrued liabilities.

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# ALBERTA LAW REFORM INSTITUTE

## Notes to Financial Statements

Year Ended March 31, 2019

### 4. RESTRICTED CASH AND DEFERRED CONTRIBUTIONS

	2019	2018
<b>Continuity of deferred contributions</b>		
Opening balance	\$ 6,095	\$ 11,884
Expenses	(8,713)	(3,409)
Transfers from (to) unrestricted fund	6,568	(2,380)
	<u>\$ 3,950</u>	<u>\$ 6,095</u>
	2019	2018
<b>Deferred contributions are comprised of</b>		
Reserve and administrative projects	<u>\$ 3,950</u>	<u>\$ 6,095</u>

### 5. EQUIPMENT

	Cost	Accumulated amortization	2019 Net book value
Computer	\$ 158,289	\$ 152,538	\$ 5,751
Office furniture and equipment	39,191	37,188	2,003
	<u>\$ 197,480</u>	<u>\$ 189,726</u>	<u>\$ 7,754</u>
	Cost	Accumulated amortization	2018 Net book value
Computer	\$ 156,108	\$ 150,073	\$ 6,035
Office furniture and equipment	38,247	36,688	1,559
	<u>\$ 194,355</u>	<u>\$ 186,761</u>	<u>\$ 7,594</u>

### 6. INVESTMENTS HELD FOR SPECIAL RESERVE (ORDERLY WIND DOWN) FUND

	2019	2018
Cash	\$ 252,556	\$ 246,806
Guaranteed investment certificate	806,800	800,000
	<u>\$ 1,059,356</u>	<u>\$ 1,046,806</u>

The guaranteed investment certificate bears interest at 2.20% and matures on February 12, 2020.

# ALBERTA LAW REFORM INSTITUTE

## Notes to Financial Statements

Year Ended March 31, 2019

### 7. NET ASSETS - RESTRICTED - SPECIAL RESERVE (ORDERLY WIND DOWN) FUND

The special reserve (orderly wind down) fund receives revenue from sources other than operating grants or project grants. These funds are restricted to provide for an orderly wind down and to meet contractual obligations to staff should the need arise.

### 8. NET ASSETS - RESERVE FUND (BOARD DISCRETION)

The Institute has set aside unrestricted surpluses as a contingency fund for future expenditures.

### 9. GRANTS

	2019	2018
Alberta Law Foundation - current year grant	\$ 828,010	\$ 840,000
Alberta Law Foundation - refundable portion of current grant	(162,166)	(100,955)
Alberta Justice and Solicitor General	500,000	500,000
University of Alberta	60,000	60,000
Revenue from restricted contributions	8,714	3,409
Government of Alberta - STEP grant	-	3,920
	<u>\$ 1,234,558</u>	<u>\$ 1,306,374</u>

The Institute has beneficial relationships with the above noted organizations.

### 10. INVESTMENT INCOME

	2019	2018
Interest on restricted - special reserve (orderly wind down) fund	\$ 10,943	\$ 4,009

### 11. RELATED PARTY TRANSACTIONS

The University of Alberta provides office facilities and services at a cost of \$1 to the Institute.

These transactions are in the normal course of operations and are measured at the exchange amount, which is the amount of consideration established and agreed to by the related parties.

### 12. INTERFUND TRANSFERS

During the year, the Institute transferred \$97,925 from the unrestricted fund to the reserve fund (board discretion). The Institute also transferred \$3,125 from the unrestricted fund to investment in equipment for the purchase of equipment.

### 13. ECONOMIC DEPENDENCE

Alberta Law Reform Institute receives 60% (2018 - 60%) of its revenue from Alberta Law Foundation, 36% (2018 - 36%) from Alberta Justice and Solicitor General, and 4% (2018 - 4%) from the University of Alberta.

# **ALBERTA LAW REFORM INSTITUTE**

## **Notes to Financial Statements**

**Year Ended March 31, 2019**

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### **14. SUBSEQUENT EVENT**

Subsequent to year end, effective April 1, 2019, all the assets, liabilities and net assets of the Institute were transferred to Alberta Law Reform Institute, a corporation incorporated under the Canada Not-for-profit Corporations Act. The corporation was incorporated on June 10, 2018 and was inactive until the transfer on April 1, 2019.

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### **15. COMPARATIVE FIGURES**

Some of the comparative figures have been reclassified to conform to the current year's presentation.

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The work of law reform would not be possible without the ongoing financial support of our key funders:

**The Alberta Law Foundation  
Alberta Justice and Solicitor General  
The University of Alberta**

Support in kind is also provided by:

**The University of Alberta  
The University of Calgary**

Meeting space has been provided by:

**Norton Rose Fulbright Canada LLP  
The Court of Queen's Bench of Alberta  
University of Calgary, Faculty of Law**

We have always contended that law reform is an interactive process. Our work would not be possible without the commitment of subject matter experts who volunteered their time to consultation and advisory groups. The contributions of the following organisations in keeping their members and stakeholders up-to-date on our work are much appreciated:

**Law Society of Alberta  
Canadian Bar Association, Alberta Branch  
Legal Education Society of Alberta**

Finally, we would like to thank the judges, authors and social media users who refer to our reports in the course of their work.



## CONTACT US

All of our reports are freely available electronically on our website. A limited number of hard copies are available on request.

We encourage you to contact us. The Your Views section on our website was designed to let you choose to be added to our electronic mailing list or provide comments on the current projects we are working on. You can also use this option to suggest an area for review that we are not currently addressing.

You can also follow us on Twitter at [@ablawreform](https://twitter.com/ablawreform) for the latest on our projects and developments in Alberta Law.

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