

Financial statements of

**The Law Foundation of Ontario**

December 31, 2016

# The Law Foundation of Ontario

December 31, 2016

## Table of contents

Independent Auditor's Report .....	1-2
Statement of financial position .....	3
Statement of revenue, expenses and grants .....	4-5
Statement of changes in fund balances .....	6-7
Statement of cash flows .....	8
Notes to the financial statements .....	9-16

## Independent Auditor's Report

To The Trustees of  
The Law Foundation of Ontario

We have audited the accompanying financial statements of The Law Foundation of Ontario, which comprise the statement of financial position as at December 31, 2016, the statements of revenue, expenses and grants, changes in fund balances, and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

### **Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these 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.

### **Auditor's Responsibility**

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risk of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements 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 entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

**Opinion**

In our opinion, the financial statements present fairly, in all material respects, the financial position of The Law Foundation of Ontario as at December 31, 2016, 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.

*Deloitte LLP*

Chartered Professional Accountants  
Licensed Public Accountants  
May 3, 2017

# The Law Foundation of Ontario

## Statement of financial position as at December 31, 2016

	2016	2015
	\$	\$
<b>Assets</b>		
Current assets		
Cash	964,667	774,813
Externally restricted cash and investments for Class Proceedings Fund (Note 3)	24,845,079	18,267,779
Short-term investments (Note 5)	23,094,662	20,269,080
Prepaid expenses	35,110	33,804
Other receivables	21,244	1,814,901
Interest receivable	3,699,514	1,075,237
	<b>52,660,276</b>	<b>42,235,614</b>
Long-term investments (Note 5)	20,372,257	23,675,280
Externally restricted cash and investments for Roy & Ria McMurtry Endowment Fund (Note 4)	105,198	110,075
Capital assets (Note 6)	106,510	86,893
	<b>73,244,241</b>	<b>66,107,862</b>
<b>Liabilities</b>		
Current liabilities		
Accounts payable and accrued liabilities (Note 15)	237,823	429,059
Due to Legal Aid Ontario (Note 7)	2,515,091	105,347
Grants payable (Note 8)	13,371,255	11,846,047
	<b>16,124,169</b>	<b>12,380,453</b>
Long-term grants payable (Note 8)	1,387,878	849,974
	<b>17,512,047</b>	<b>13,230,427</b>
<b>Fund balances</b>		
Internally restricted		
Grant Stabilization Fund (Note 9)	15,000,000	15,000,000
Access to Justice Fund (Note 10)	8,633,795	11,266,456
Rejuvenation Fund (Note 11)	221,563	238,303
	<b>23,855,358</b>	<b>26,504,759</b>
Externally restricted		
Class Proceedings Fund (Note 12)	19,861,537	16,750,105
Roy and Ria McMurtry Endowment Fund (Note 13)	100,198	93,940
	<b>19,961,735</b>	<b>16,844,045</b>
Unrestricted - General Fund	11,915,101	9,528,631
	<b>55,732,194</b>	<b>52,877,435</b>
	<b>73,244,241</b>	<b>66,107,862</b>

Approved by the Board

\_\_\_\_\_ Trustee

\_\_\_\_\_ Trustee

The accompanying notes to the financial statements are an integral part of this financial statement.

# The Law Foundation of Ontario

## Statement of revenue, expenses and grants year ended December 31, 2016

	Internally Restricted Funds			Externally Restricted Funds		Total
	Unrestricted General	Access to Justice (Note 10)	Rejuvenation (Note 11)	Class Proceedings (Note 12)	Roy and Ria McMurtry Endowment (Note 13)	
	\$	\$	\$	\$	\$	\$
<b>Revenue</b>						
Interest on legal professions' mixed trust accounts, net of service charges of \$555,000 (Notes 7 and 14)	38,959,794	-	-	-	-	38,959,794
Other investment income	1,066,703	185,199	-	363,194	8,042	1,623,138
Other Income	25	112,946	-	-	-	112,971
Levy on awards (Note 12)	-	-	-	5,961,678	-	5,961,678
	<b>40,026,522</b>	<b>298,145</b>	<b>-</b>	<b>6,324,872</b>	<b>8,042</b>	<b>46,657,581</b>
<b>Expenses</b>						
Salaries and benefits	1,174,774	145,387	-	237,326	-	1,557,487
Rent and occupancy	219,324	-	-	11,024	-	230,348
Other administrative	137,524	30,416	-	28,499	-	196,439
Professional fees	127,016	6,526	-	226,929	-	360,471
Printing and office supplies	30,902	30	-	530	-	31,462
Cost awards (Note 12)	-	-	-	528,767	-	528,767
Amortization	56,692	-	-	-	-	56,692
	<b>1,746,232</b>	<b>182,359</b>	<b>-</b>	<b>1,033,075</b>	<b>-</b>	<b>2,961,666</b>
Excess of revenue over expenses before the undernoted	<b>38,280,290</b>	<b>115,786</b>	<b>-</b>	<b>5,291,797</b>	<b>8,042</b>	<b>43,695,915</b>
Allocation to Legal Aid Ontario (Note 7)	27,910,171	-	-	-	-	27,910,171
Grants authorized, net of reversal of grants authorized in prior years (Note 8)	8,157,552	2,748,447	16,740	2,180,365	5,000	13,108,104
	<b>36,067,723</b>	<b>2,748,447</b>	<b>16,740</b>	<b>2,180,365</b>	<b>5,000</b>	<b>41,018,275</b>
Excess (deficiency) of revenue over expenses and grants for the year before the undernoted	2,212,567	(2,632,661)	(16,740)	3,111,432	3,042	2,677,640
Change in unrealized gain on investments	173,903	-	-	-	3,216	177,119
<b>Excess (deficiency) of revenue over expenses and grants for the year</b>	<b>2,386,470</b>	<b>(2,632,661)</b>	<b>(16,740)</b>	<b>3,111,432</b>	<b>6,258</b>	<b>2,854,759</b>

The accompanying notes to the financial statements are an integral part of this financial statement.

# The Law Foundation of Ontario

## Statement of revenue, expenses and grants year ended December 31, 2015

	Internally Restricted Funds			Externally Restricted Funds		Total
	Unrestricted General	Access to Justice (Note 10)	Rejuvenation (Note 11)	Class Proceedings (Note 12)	Roy and Ria McMurtry Endowment (Note 13)	
	\$	\$	\$	\$	\$	\$
<b>Revenue</b>						
Interest on legal professions' mixed trust accounts, net of service charges of \$765,000 (Notes 7 and 14)	35,445,282	-	-	-	-	35,445,282
Other investment income	752,115	188,959	-	339,932	3,736	1,284,742
Other Income	25	1,905,567	-	-	-	1,905,592
Levy on awards (Note 12)	-	-	-	1,114,211	-	1,114,211
	36,197,422	2,094,526	-	1,454,143	3,736	39,749,827
<b>Expenses</b>						
Salaries and benefits	1,095,858	111,087	-	177,570	-	1,384,515
Rent and occupancy	215,451	-	-	10,839	-	226,290
Other administrative	127,167	1,115	-	24,786	-	153,068
Professional fees	214,818	678	-	147,322	-	362,818
Printing and office supplies	115,176	134	-	415	-	115,725
Cost awards (Note 12)	-	-	-	676,520	-	676,520
Amortization	66,322	-	-	-	-	66,322
	1,834,792	113,014	-	1,037,452	-	2,985,258
Excess of revenue over expenses before the undernoted	34,362,630	1,981,512	-	416,691	3,736	36,764,569
Allocation to Legal Aid Ontario (Note 7)	25,207,868	-	-	-	-	25,207,868
Grants authorized, net of reversal of grants authorized in prior years (Note 8)	8,501,787	428,002	(25,952)	2,979,841	10,000	11,893,678
	33,709,655	428,002	(25,952)	2,979,841	10,000	37,101,546
Excess (deficiency) of revenue over expenses and grants for the year before the undernoted	652,975	1,553,510	25,952	(2,563,150)	(6,264)	(336,977)
Change in unrealized gain on investments	31,494	-	-	-	(5,623)	25,871
<b>Excess (deficiency) of revenue over expenses and grants for the year</b>	684,469	1,553,510	25,952	(2,563,150)	(11,887)	(311,106)

The accompanying notes to the financial statements are an integral part of this financial statement.

# The Law Foundation of Ontario

## Statement of changes in fund balances year ended December 31, 2016

	Internally Restricted Funds				Externally Restricted Funds		Total
	Unrestricted General	Grant Stabilization (Note 9)	Access to Justice (Note 10)	Rejuvenation (Note 11)	Class Proceedings (Note 12)	Roy and Ria McMurtry Endowment (Note 13)	
	\$	\$	\$	\$	\$	\$	\$
<b>Fund balances, beginning of year</b>	9,528,631	15,000,000	11,266,456	238,303	16,750,105	93,940	52,877,435
Excess (deficiency) of revenue over expense and grants for the year	2,386,470	-	(2,632,661)	(16,740)	3,111,432	6,258	2,854,759
<b>Fund balances, end of year</b>	<b>11,915,101</b>	<b>15,000,000</b>	<b>8,633,795</b>	<b>221,563</b>	<b>19,861,537</b>	<b>100,198</b>	<b>55,732,194</b>

The Unrestricted General Fund balance includes \$106,510 that is Invested in Capital Assets.

The accompanying notes to the financial statements are an integral part of this financial statement.



# The Law Foundation of Ontario

## Statement of changes in fund balances year ended December 31, 2015

	Internally Restricted Funds				Externally Restricted Funds		Total
	Unrestricted General	Grant Stabilization (Note 9)	Access to Justice (Note 10)	Rejuvenation (Note 11)	Class Proceedings (Note 12)	Roy and Ria McMurtry Endowment (Note 13)	
	\$	\$	\$	\$	\$	\$	\$
<b>Fund balances, beginning of year</b>	8,844,162	15,000,000	9,712,946	212,351	19,313,255	105,827	53,188,541
Excess (deficiency) of revenue over expense, and grants for the year	684,469	-	1,553,510	25,952	(2,563,150)	(11,887)	(311,106)
<b>Fund balances, end of year</b>	<b>9,528,631</b>	<b>15,000,000</b>	<b>11,266,456</b>	<b>238,303</b>	<b>16,750,105</b>	<b>93,940</b>	<b>52,877,435</b>

The Unrestricted General Fund balance includes \$86,893 that is Invested in Capital Assets.

The accompanying notes to the financial statements are an integral part of this financial statement.

# The Law Foundation of Ontario

## Statement of cash flows year ended December 31, 2016

	2016	2015
	\$	\$
<b>Operating activities</b>		
Excess (deficiency) of revenue over expenses and grants for the year	2,854,759	(311,106)
Items not affecting cash		
Amortization	56,692	66,322
Change in unrealized gain on investments	(177,119)	(25,871)
	<b>2,734,332</b>	<b>(270,655)</b>
Changes in non-cash operating items		
Prepaid expenses	(1,306)	(6,578)
Other receivables	1,793,657	600,047
Interest receivable	(2,624,277)	(255,160)
Due to Legal Aid Ontario	2,409,744	(260,488)
Accounts payable and accrued liabilities	(191,236)	233,441
Grants payable	2,063,112	869,508
	<b>6,184,026</b>	<b>910,115</b>
<b>Investing activities</b>		
Net decrease (increase) in investments	654,560	(3,010,390)
Net (increase) decrease in externally restricted cash and short-term investments for Class Proceedings Fund	(6,577,300)	760,489
Net decrease in externally restricted cash and investment for Roy & Ria McMurtry Endowment Fund	4,877	6,887
Purchase of capital assets	(76,309)	(2,576)
	<b>(5,994,172)</b>	<b>(2,245,590)</b>
Net increase (decrease) in cash	189,854	(1,335,475)
Cash, beginning of year	774,813	2,110,288
<b>Cash, end of year</b>	<b>964,667</b>	<b>774,813</b>

The accompanying notes to the financial statements are an integral part of this financial statement.

# The Law Foundation of Ontario

## Notes to the financial statements

December 31, 2016

---

### 1. Purpose of the organization

The Law Foundation of Ontario (the "Foundation") was established in 1974, under an amendment to the Law Society Act, as a corporation without share capital. The Foundation was created to receive interest accruing on monies held in legal professions' mixed trust accounts and to establish and maintain a fund to be used for the purposes of legal education and legal research, legal aid and the establishment, maintenance and operation of law libraries. The Foundation is a not-for-profit organization under subsection 149(1) (1) of the Income Tax Act (Canada) and, as such, is exempt from income taxes.

### 2. Significant accounting policies

The financial statements have been prepared in accordance with Canadian accounting standards for not-for-profit organizations. The significant accounting policies are summarized below:

#### *Revenue recognition*

The Foundation follows the restricted fund method of accounting for revenue. Revenue is recognized when received or receivable in the respective fund if the amount to be received can be reasonably estimated.

#### *Fund balances*

The Grant Stabilization Fund, Access to Justice Fund and Rejuvenation Fund are internally restricted funds (Notes 9-11). The Class Proceedings Fund and the Roy & Ria McMurtry Endowment Fund are externally restricted funds (Notes 12 and 13).

#### *Interest earned on legal professions' mixed trust accounts*

The interest earned on legal professions' mixed trust accounts is calculated and remitted to the Foundation based on agreements made with individual financial institutions. The legal professions' mixed trust accounts are not the property of, nor administered by, the Foundation. The Foundation is, therefore, unable to determine the amount of interest that is accruing until such time as it is advised by each individual financial institution and statutory filings are received from the legal professions. Such interest is therefore recorded when determinable by the Foundation, in the Unrestricted General Fund.

#### *Grants*

Grants for legal education, legal aid, legal research and law libraries are recorded in the period in which they are authorized by the Board of Trustees.

#### *Levy on awards*

The Class Proceedings Fund is entitled to a 10% levy on any award or settlement to the plaintiff in a funded action. The levy on awards is recorded when determinable by the Foundation.

#### *Capital assets*

Capital assets are carried at cost less accumulated amortization. Furniture and fixtures are amortized on the declining balance basis at 20% per annum. Computer hardware and software are amortized on the straight-line basis over their estimated useful lives of three years. Leasehold improvements are amortized on the straight-line basis over the term of the lease.

#### *Use of estimates*

The preparation of financial statements in conformity with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and the disclosure of contingent assets and liabilities at the statement of financial position date and the reported amounts of revenues and expenses during the year (the Foundation relies on bank statements to record the interest revenue earned on legal professions' mixed trust accounts). Actual results could differ from those estimates. Accounts requiring significant estimates and assumptions include investments, interest earned on legal professions' mixed trust accounts, and accrued liabilities.

# The Law Foundation of Ontario

## Notes to the financial statements

December 31, 2016

---

### 2. Significant accounting policies (continued)

#### *Financial instruments*

Financial assets and financial liabilities are initially recognized at fair value when the Foundation becomes a party to the contractual provisions of the financial instrument. Subsequently, all financial instruments are measured at amortized cost, except for equities quoted in active markets, Canadian equities not quoted in active markets, restricted cash and fixed income for the Roy & Ria McMurtry Endowment Fund, which are carried at fair value. Any subsequent changes in fair value are recorded in the Statement of revenue, expenses and grants.

	Measurement
Cash and restricted cash	Fair value
Interest receivable	Amortized cost
Short-term investments	Amortized cost
Fixed income	Amortized cost
Canadian equities	Fair value
Investments Fund for class proceedings	Amortized cost
Investments for Roy & Ria McMurtry Endowment Fund	Fair value
Accounts payable and accrued liabilities	Amortized cost
Due to Legal Aid Ontario	Amortized cost
Grants payable	Amortized cost

Financial assets measured at amortized cost are assessed at each reporting date for indications of impairment. If such impairment exists, the asset is written down and the resulting impairment loss is recognized in the Statement of revenue, expenses and grants.

#### *Transaction costs*

Transaction costs for investments are expensed as they are incurred.

#### *Fair value*

The fair value of Canadian equities is determined based on bid prices.

The fair value of the investments of the Roy & Ria McMurtry Endowment Fund approximates their cost due to the immediate or short-term maturity of these instruments, except for the Canadian equities, the fair value of which is determined based on bid prices.

#### *Foreign exchange*

Transactions denominated in foreign currencies are translated into Canadian dollars at the rate of exchange in effect on the dates of the transactions. The market value of foreign currency denominated assets and liabilities is translated using the year-end rates of exchange. The resulting gains and losses from changes in these rates are included in the realized gain (loss) for investments sold and in the unrealized gain (loss) on investments held at year-end.

# The Law Foundation of Ontario

## Notes to the financial statements

December 31, 2016

### 3. Externally restricted cash and short-term investments for Class Proceedings Fund

	2016	2015
	\$	\$
Cash	672,089	325,725
Guaranteed Investment Certificates	24,172,990	17,942,054
	<b>24,845,079</b>	<b>18,267,779</b>

The effective yields on the Guaranteed Investment Certificates ("GIC's") are between 1.0% and 1.81% (2015 - between 1.0% and 2.0%).

\$4,479,767 (2015 - \$2,855,599) of the above-noted balance will be used to pay grants obligations (see Note 8).

### 4. Externally restricted cash and investments for Roy & Ria McMurtry Endowment Fund

Restricted cash and investments consist of cash, fixed income securities and equities. The fixed income securities are comprised of bonds and deposit notes which mature between March 8, 2017 and June 2, 2025 (2015 - March 8, 2016 and June 2, 2022) and the coupon rates range from 2.6% to 4.3% (2015 - from 3.15% to 4.40%).

	2016	2015
	\$	\$
Restricted cash	2,455	8,260
Fixed income	58,175	54,790
Canadian equities	44,568	47,025
	<b>105,198</b>	<b>110,075</b>

### 5. Investments

	2016	2015
	\$	\$
Short-term, at cost	<b>23,094,662</b>	20,269,080
Long-term		
Fixed income, at cost		
(fair value - \$17,301,543; 2015 - \$20,403,587)	<b>17,009,903</b>	19,981,843
Canadian equities, at fair value		
(cost - \$2,113,469; 2015 - \$2,618,455)	<b>3,362,354</b>	3,693,437
	<b>20,372,257</b>	<b>23,675,280</b>

The Foundation's short-term investments of \$23,094,662 (2015 - \$20,269,080) comprise cash, GICs and short-term bonds. The effective yields on the GICs of \$19,933,782 (2015 - \$19,201,457) range from 1.00% to 2.00% (2015 - from 1.00% to 2.00%). Short-term bonds of \$3,159,595 (2015 - \$1,066,347) mature between February 27, 2017 and December 15, 2017 (2015 - January 11, 2016 and March 10, 2016) and have a coupon rate from 1.70% to 4.55% (2015 - 2.05% to 4.40%).

The Foundation's fixed income long-term investments include bonds of \$8,915,211 (2015 - \$11,040,653), which mature between March 8, 2018 and December 15, 2025 (2015 - February 27, 2017 and June 2, 2025). The coupon rates range from 1.25% to 4.20% (2015 - 1.25% to 4.55%).

# The Law Foundation of Ontario

## Notes to the financial statements

December 31, 2016

---

### 6. Capital assets

			2016	2015
	Cost	Accumulated amortization	Net book value	Net book value
	\$	\$	\$	\$
Furniture and fixtures	254,705	226,598	28,107	35,134
Computer hardware	186,075	163,793	22,282	17,641
Computer software	265,626	209,505	56,121	6,183
Leasehold improvements	404,648	404,648	-	27,935
	<b>1,111,054</b>	<b>1,004,544</b>	<b>106,510</b>	<b>86,893</b>

### 7. Due to Legal Aid Ontario

Pursuant to Section 55(3) of the Law Society Act (R.S.O. 1990, Chapter L.8), 75% of the net revenue received during the year from interest received on legal professions' mixed trust accounts, less operating expenses of the Unrestricted General Fund and Rejuvenation Fund, is to be paid to Legal Aid Ontario. The provision for the share of net revenue payable to Legal Aid Ontario is recorded annually in the Foundation's accounts.

	2016	2015
	\$	\$
Interest on legal professions' mixed trust accounts (net of service charges of \$555,000; (2015 - \$765,000))	38,959,794	35,445,282
Unrestricted General Fund and Rejuvenation Fund expenses	(1,746,232)	(1,834,792)
Interest after expenses	<b>37,213,562</b>	<b>33,610,490</b>
Due to Legal Aid Ontario, beginning of year	105,347	365,835
75% allocation to Legal Aid Ontario	27,910,171	25,207,868
Paid to Legal Aid Ontario, during the year	(25,500,427)	(25,468,356)
Due to Legal Aid Ontario, end of year	<b>2,515,091</b>	<b>105,347</b>

# The Law Foundation of Ontario

Notes to the financial statements

December 31, 2016

## 8. Grants payable

Grants payable consist of the following:

						2016	2015
	Unrestricted	Access to Justice	Rejuvenation	Class Proceedings	Roy & Ria McMurtry	Total	Total
	\$	\$	\$	\$	\$	\$	\$
Opening	8,777,395	1,042,027	16,000	2,855,599	5,000	12,696,021	11,826,513
Grants authorized	8,499,059	2,779,203	16,740	3,144,373	5,000	14,444,375	13,178,821
Payments (Note 12)	(8,715,477)	(1,755,318)	(13,000)	(556,197)	(5,000)	(11,044,992)	(11,024,170)
Grants reversed	(341,507)	(30,756)	-	(964,008)	-	(1,336,271)	(1,285,143)
Ending grants payable	8,219,470	2,035,156	19,740	4,479,767	5,000	14,759,133	12,696,021
Less: Long-term grants payable	(1,084,612)	(303,266)	-	-	-	(1,387,878)	(849,974)
Current grants payable	7,134,858	1,731,890	19,740	4,479,767	5,000	13,371,255	11,846,047

# The Law Foundation of Ontario

## Notes to the financial statements

December 31, 2016

---

### 8. Grants payable (continued)

Details of December 31, 2016 long-term grants payable are as follows:

	2016		2015
	Unrestricted	Access to Justice	Total
	\$	\$	\$
2017	-	-	817,674
2018	1,080,612	303,266	28,300
2019	2,000	-	2,000
2020	2,000	-	2,000
	<b>1,084,612</b>	<b>303,266</b>	<b>849,974</b>

### 9. Grant Stabilization Fund

In 1981, the Trustees of the Foundation established an internally restricted Reserve Fund to provide for future contingencies and future beneficiaries of its statutory objects that relate to legal education, legal research and law libraries. This fund was created and has been maintained from the 25% of net revenue intended to be made available for those beneficiaries. In 2009, the Trustees of the Foundation changed the name of the fund to the "Grant Stabilization Fund". In 2012, the Trustees of the Foundation authorized the transfer of \$1 million to the General Fund. The balance of the Fund is maintained at \$15 million (2015 - \$15 million).

### 10. Access to Justice Fund

In 2009, the Trustees of the Foundation established an internally restricted fund to provide grants that promote access to justice. The initial source of this fund in 2009 came from a one-time cy-près settlement in the amount of \$14,530,395 (together with interest earned thereon of \$63,735) that the Foundation received as a result of a ruling on a class action lawsuit, although the Foundation was not a party to the action. The amount was transferred from the Unrestricted General Fund to the new Access to Justice Fund. The Access to Justice Fund was established to receive cy-près settlements that are directed to the Foundation.

### 11. Rejuvenation Fund

In 2007, the Rejuvenation Fund was established for the purpose of providing both human and organizational infrastructure support to eligible grantees for optimum performance and efficiency, and includes such activities as professional development, consulting services, technology upgrades and capital acquisitions and improvements. The initial source of this fund came from the Unrestricted General Fund.

### 12. Class Proceedings Fund

The Class Proceedings Fund (the "Fund") came into being in 1993 under an amendment to The Law Society Act to provide financial support to plaintiffs in class proceedings in respect of disbursements incurred and payments made to defendants regarding cost awards made against the funded plaintiffs. In the event a funded action settles or wins an award, disbursement award grants already paid are recoverable, and outstanding disbursement award grants payable are cancelled. As well, the Fund is entitled to a 10% levy on any award or settlement to the plaintiff in a funded action.

In 2016, the Fund recovered a previous year's disbursement award grant payment of \$524,168 (2015 - \$364,457). This amount is included in the payments amount in Note 8. The Fund paid cost awards of \$528,767 (2015 - \$676,520) as a result of cost awards made against funded plaintiffs. The Fund received a levy on awards of \$5,961,678 (2015 - \$1,114,211) as a result of settlements to funded plaintiffs.



# The Law Foundation of Ontario

## Notes to the financial statements

December 31, 2016

---

### 13. The Roy & Ria McMurtry Endowment Fund

In 2005, the Foundation established the Roy & Ria McMurtry Endowment Fund in honour of Chief Justice and Mrs. McMurtry, upon his receipt of the 2005 Law Foundation of Ontario Guthrie Award. From the interest earned on the Fund, awards will be made in support of work within the Foundation's objects, of an organization chosen by the former Chief Justice and Mrs. McMurtry. In June 2007, the Board decided that an additional annual \$5,000 scholarship will be available to a student selected from the Law School on a rotating basis.

### 14. Interest on Legal Professions' Mixed Trust Accounts

The Foundation negotiates with each financial institution for interest rates of return and service charges in order to achieve a net competitive rate of return.

### 15. Accounts payable and accrued liabilities

There are no outstanding government remittances as at December 2016 and 2015.

### 16. Lease commitments

The Foundation has obligations under a non-cancellable operating lease. The future minimum annual lease payments for premises (excluding occupancy costs) are as follows:

	\$
2017	102,237
2018	105,108
2019	110,849
2020	110,849
2021	73,900

There are no lease commitment obligations after 2021.

### 17. Contingencies

Once funding has been granted by the Class Proceedings Committee to a plaintiff in a class action, the Class Proceedings Fund (the "Fund") becomes potentially liable for adverse cost awards against the plaintiff in the action. As at December 31, 2016 the Fund remained exposed to potential adverse cost awards in funded actions. In all actions, the likelihood of loss is indeterminable. Any loss will be recorded in the year it is determined.

Indemnity has been provided to all trustees and/or officers of the Foundation for various items including, but not limited to, all costs to settle suits due to their association with the Foundation, subject to certain restrictions. The Foundation has purchased trustees' and officers' liability insurance to mitigate the cost of any potential future suits or actions. The maximum amount of any potential future payment cannot be reasonably estimated.

# The Law Foundation of Ontario

Notes to the financial statements

December 31, 2016

---

## 18. Risk management

The Foundation follows a Statement of Investment Policies, which provides the investment objectives, performance expectations and guidelines for the management of these investments. The Statement of Investment Policies requires that all investments must fall within the Trustee Act of Ontario and requires that certain additional restrictions must be met.

### *Market risk*

Market risk is the risk that the value of an investment will fluctuate as a result of changes in market prices (other than those arising from interest rate or foreign exchange risk) whether those changes are caused by factors specific to the individual investment or factors affecting all securities traded in the market. To mitigate this specific risk, the Foundation invests in a diversified portfolio of investments in accordance with the Foundation's investment policy.

### *Interest rate risk*

The Foundation is exposed to interest rate risk with respect to its long-term investments. Changes in the prime interest rate will have a positive or negative impact on the Foundation's interest income. Such exposure will increase accordingly should the Foundation maintain higher levels of long-term investments in the future.

### *Credit risk*

Credit risk is the risk that one party to a financial instrument will fail to discharge an obligation and cause the other party to incur a financial loss. The Foundation's investment policy defines permitted investments and provides guidelines and restrictions on acceptable investments which minimizes credit risk. The Foundation limits credit risk by investing in the debt of corporations that have a minimum credit rating of A or equivalent as rated by at least two of the three recognized bond rating agencies operating in Canada at the time of purchase.

### *Foreign exchange risk*

Foreign exchange risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in foreign exchange rates. The Foundation invests in non-Canadian equities and is therefore directly exposed to currency risk as the value of the equities denominated in other currencies will fluctuate due to changes in exchange rates.