

THE MANITOBA
LAW FOUNDATION

2020 - 2021

ANNUAL REPORT
RAPPORT ANNUEL



LETTERS OF TRANSMITTAL

The Honourable Minister of Justice and Attorney General
Department of Justice
Legislative Building
Winnipeg, Manitoba

Dear Minister:

As Chair of the Manitoba Law Foundation, I am pleased to provide to you the thirty-fifth Annual Report of The Manitoba Law Foundation in accordance with s. 101 (1) of the *Legal Profession Act* (the "Act") for the year ended March 31, 2021. Financial Statements were examined by the Foundation's auditors, *Fort Group Chartered Professional Accountants Inc.*, as set out in their report of June 16, 2021, attached and were approved by the Foundation's Directors at a meeting of the Board held on June 16, 2021.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "G. Smorang". The signature is written in a cursive style and is positioned above a horizontal line.

Garth Smorang, Q.C.
Chair of the Manitoba Law Foundation

PURPOSE

In accordance with s. 88 of the Act, the purpose of the Foundation is to encourage and promote:

- a) legal education;
- b) legal research;
- c) law reform;
- d) legal aid services; and
- e) the development and maintenance of law libraries.

To help in guiding its granting and policy decision-making, the Foundation’s board has adopted the following vision and mission statements:

VISION: Advancing justice through access, knowledge and understanding.

MISSION: The Manitoba Law Foundation commits to advancing legal knowledge, fostering excellence within the legal profession and facilitating community understanding of the justice system.

The Foundation funds programs and initiatives that promote and enhance these commitments.

BOARD OF DIRECTORS

<i>Appointed by the Minister of Justice</i>	
Garth Smorang, Q.C., Chair	Dec. 2012 to Dec. 2019 - continuing
Vice-Chair	Vacant since June 2019
Monica Adeler	Dec. 2013 to Dec. 2016 - continuing
Terumi Kuwada	Sept. 2012 to Sept. 2018 - continuing
Janna Cumming	Sept. 2015 to Sept. 2017 - continuing

<i>Appointed by the President of the Manitoba Branch, Canadian Bar Association</i>	
Kevin Antonyshyn	Sept. 2019 to Sept. 2023

<i>Dean of the Faculty of Law, University of Manitoba (ex officio)</i>	
Jonathan Black-Branch	2016 - 2020
David Asper, Q.C.	July 2020 - June 2021

<i>Appointed by the Law Society of Manitoba</i>	
Jack Cram	Aug. 2014 to Aug. 2021
Patricia Kloepfer	Aug. 2019 to Aug. 2022
Vincent Sinclair	Aug. 2020 to Aug. 2023

CHAIR MESSAGE

Due to the COVID-19 pandemic, Fiscal Year (FY) 2020-2021 has been a year of economic uncertainty, difficult decisions and balancing risks, as well as a year that has exposed longstanding - but now further deepened - barriers to access to justice. It has also been a year in which I have seen our Board members and staff rise to the challenges presented by the pandemic.

Our Board and staff have worked quickly, efficiently and creatively to move funding in 2020-2021 to allow continuation of existing services and establishment of new initiatives.

In April 2020, just as the gravity of the impact of the pandemic had set in, the Board held an *ad hoc* (as well as its first virtual) meeting to consider emergency funding. Following a survey of the Foundation's core operating grant recipients that provide legal services to Manitobans, the Board awarded a total of \$50,000 in grants to allow three organizations to "pivot" in the pandemic and continue to provide their services. These funds allowed the organizations to purchase equipment and technology urgently needed for their staff to work remotely, as well as in the case of one organization, funding to increase staff to respond to increased need for their services.

Additionally, the Board adjudicated a shortlist of grant applications made in response to a call for applications to the Foundation's *Special Granting Initiative* made in October 2019, with adjudication of the initiative initially scheduled to be completed in FY 2019/20. This was ultimately postponed indefinitely in early March 2020 due to economic uncertainty surrounding COVID-19.

In October 2020, the Board approved *Special Granting Initiative* funding to three organizations totalling just over \$600,000 to support their efforts to enhance access, and remove systemic barriers, to justice in Manitoba. The Board was extremely pleased to be able to proceed with adjudication. The initial budget of \$1.5 million unfortunately had to be reduced to ensure the Foundation has resources to further its mission and vision in future years. However, the Board feels these three projects will have a significant impact in addressing the access to justice challenges and disadvantages faced by vulnerable populations in Manitoba, particularly at a time when COVID-19 has amplified those challenges and disadvantages.

The Board met five other times this year, including its regular Board meetings held in June, October and December 2019 and March 2020, as well as a further special meeting in February. At these meetings, the Board's activities included:

- Addition of two new strategic granting priorities, being legal education, legal research, and legal services that: (1) advance innovations and changes to legal system operations, spurred by the COVID-19 crisis, that offer improvements in access to justice in Manitoba; and, (2) aim to address systemic discrimination experienced by racialized groups in Manitoba's legal systems;
- Approval of a *Fiscal & Accounting Policy*;
- Issuing a Request for Proposals for auditing services and contracting the services of *Fort Group Chartered Professional Accountants Inc.*;
- Significant revisions to the Foundation's *Granting Policy*; and,
- Approval and monitoring of the Foundation's operational budget.

We welcomed two new Board members in September 2020. *Law Society of Manitoba* appointee Vincent Sinclair, a lawyer with *Justice Manitoba – Public Prosecutions* and representative of the Northern Electoral District, replaces Ted Bock. Acting Dean David Asper replaced Jonathan Black Branch as the *ex officio* representative of the University of Manitoba, Faculty of Law.

While much remains uncertain, we know that the Foundation, its Board and its staff have not only weathered the pandemic’s impact to the Foundation’s finances and operations, but were able to grant funds in a manner that appropriately balances caution against the existing (and now increased) needs of Manitobans.

The Foundation’s Board members and staff have shown adaptability, innovation and resilience in this difficult year and I would like to share my deep appreciation of their contributions and commitment over the past year.



Garth Smorang, Q.C.
Chair of the Board

GENERAL

In 1986, the legislature established the Manitoba Law Foundation as a body corporate pursuant to the *Law Society Act*. The Foundation was continued under the provisions of the *Legal Profession Act* (the "Act"), enacted in 2002. In accordance with the Act, financial institutions must pay to the Foundation interest on pooled trust accounts maintained by lawyers practising in Manitoba. From that revenue, the Foundation must pay statutory grants to *Legal Aid Manitoba* and the *Law Society of Manitoba* (s. 90(1) of the Act). When there are sufficient funds after payment of administrative expenses and statutory grants, the Foundation may make discretionary grants consistent with the Foundation's purpose (s. 90(4)). Additional details about the Foundation and information about its grant application process are set out on its website at www.manitobalawfoundation.org.

COMPOSITION OF THE BOARD OF DIRECTORS

The Foundation is governed by a Board of Directors appointed under the Act. There are 10 members of the Board of Directors appointed pursuant to s. 93(1) of the Act. Appointments may range from 2 to 4 years and directors may be reappointed. Section 93(2) of the Act provides that directors whose terms have expired continue to serve until a successor is appointed.

BOARD OF DIRECTORS MEETINGS & GOVERNANCE

Section 98 of the Act requires that the Board meet at least four times annually. In the fiscal year ending March 31st, 2021 the Board met six times via videoconference, including two special meetings, one in April 2020 (to consider emergency funding to assist legal service providers in pivoting to their services during

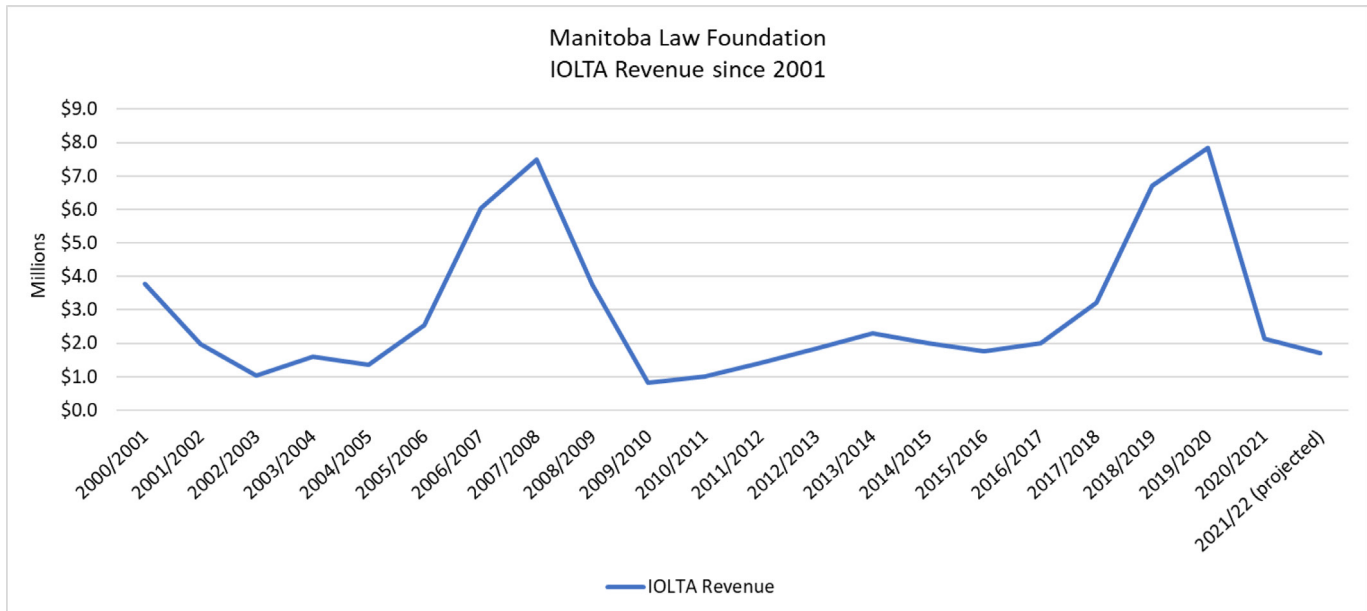
the COVID-19 pandemic) and one in February 2021 (to consider and approve revisions to the Foundation's *Granting Policy*), and at its regularly scheduled meetings in June, October, and December 2020 and in March 2021.

IOLTA REVENUE

The Foundation receives the majority of its revenues from interest on lawyers' pooled trust accounts (IOLTA). Revenues received by the Foundation are based on interest rate agreements entered into with financial institutions in Manitoba holding lawyers' trust accounts. These agreements are typically tied to the prime rate and therefore IOLTA revenues are extremely sensitive to changes in the prime rate and external economic factors making them highly volatile.

In this fiscal year, the Foundation saw a 73% decline in IOLTA revenues to \$2.1 million from \$7.8 million in the previous fiscal year. The decrease was due to the decreases in the prime rate in March 2020 in response to the COVID-19 pandemic. These decreases were slightly mitigated by a settlement the Foundation reached with a financial institution for unremitted interest in prior years.

The chart below illustrates the volatility of the Foundation’s revenues over the past 20 years:



INVESTMENTS

In fiscal year 2000/01, the Foundation entered into a formal relationship with *The Winnipeg Foundation* for the management of the long-term investments of the Foundation and this relationship continues to date. As a participant in the Consolidated Trust Fund of *The Winnipeg Foundation* through the Manitoba Law Foundation Managed Fund, the Foundation receives an annual cash disbursement from *The Winnipeg Foundation*, determined on the basis of the average market value (calculated over a three-year period) of the Managed Fund.

For the 2020/21 fiscal year the Foundation recorded net investment income of \$2,144,803 compared to a net loss of \$441,654 in the previous fiscal year. The current year income is attributable to the recovery of markets following the initial economic instability experienced as a result of the COVID-19 pandemic. Investment income consists of realized and unrealized gains and losses and interest and dividends net of administrative and investment fees.

The Foundation’s Reserve for Future Grants and amounts not required for the short-term cash flow needs of the Foundation are held in the Fund.

FINANCIAL HIGHLIGHTS

	2020/21	2019/20	Change
IOLTA	\$2,146,378	\$7,845,915	-72.64%
Total Grants Allocated	\$3,319,698	\$7,382,500	-55.03%
Expenses	\$223,638	\$265,558	-15.79%

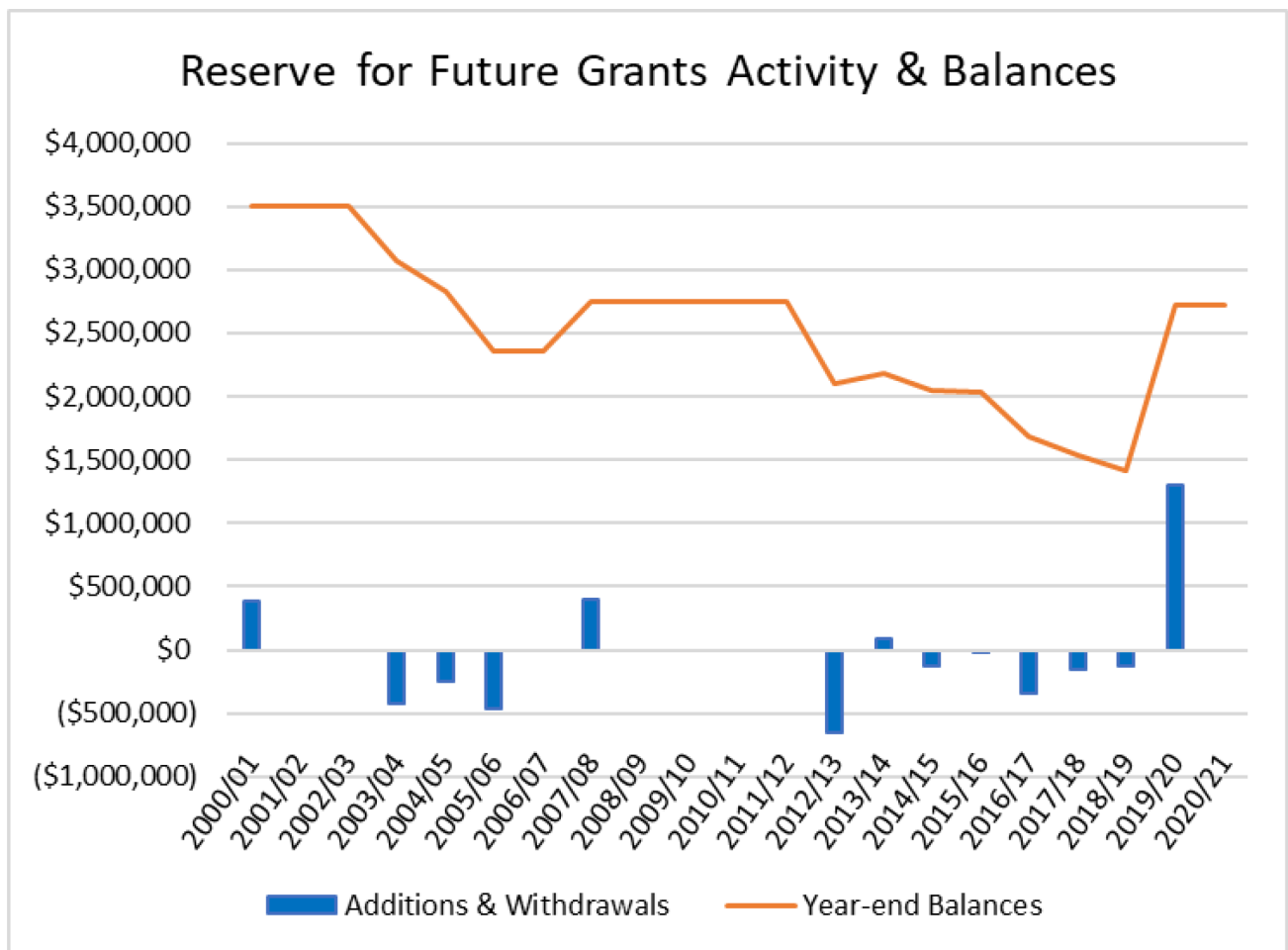
FOUNDATION OPERATIONS

The Foundation continues to control operating expenses with 2020/21 expenses totaling \$224 thousand compared to \$266 thousand in the previous year. The decrease in expenses is largely due to reduced travel expenses as a result of COVID-19 pandemic travel restrictions, lower salary & benefit expense and lower information technology expenses.

The Foundation moved office space from 177-701 Lombard Avenue to 207-698 Corydon Avenue effective June 1, 2021.

RESERVE FOR FUTURE GRANTS

The Foundation maintains a Reserve for Future Grants to provide stability for discretionary granting during periods of revenue reductions. The Foundation's *Reserve Policy* requires the reserve be maintained at a minimum of one-year to a maximum of 3-years rolling average discretionary grants. As at year end the reserve was sitting at 53% of the maximum. No additional funds were added to the reserve during the fiscal year.



GRANTS

I. Allocations under of s. 90(1) of the Act (Statutory Grants)

The Act requires that the Foundation provide statutory grants to *Legal Aid Manitoba* and the *Law Society of Manitoba* equivalent to 50% and 16.67%, respectively, of IOLTA received in the fiscal year. In the event IOLTA revenues are insufficient to distribute the minimums required by the Act (\$1,007,629 and \$335,383 respectively) IOLTA will be distributed proportionately after allowing for the operating expenses of the Foundation.

Accordingly, the following grants were paid and accrued in the 2020/21 fiscal year:

Legal Aid Manitoba
Disbursed \$3,922,957
Accrued \$1,073,189

The Law Society of Manitoba
Disbursed \$1,307,914
Accrued \$357,801

Pivot grants totalling \$50,000 were also made to three longstanding grant recipients that provide legal services to allow them to offer their services remotely.

Further details of discretionary granting are listed on the following page, in accordance with the purposes provided in s. 88 of the Act.

II. Discretionary Grants under s. 90(4) of the Act

Monies available for discretionary grants consist of the surplus at the end of the previous fiscal year after the deduction of operating expenses, statutory grants, and, in years when revenues are sufficient and where the Reserve requires it, a contribution to the Foundation's Reserve for future grants.

The Foundation approved \$1,888,707 in discretionary *Special Grant Initiative*, Core Operating, Project, Small and Pivot Grants in 2020/21. This includes eleven discretionary operating grants totaling \$984,750 that were approved and allocated for 2021/2022. It also includes just over \$600 thousand in Special Grant Initiative grants [for more on these, see: <https://www.manitobalawfoundation.org/special-granting-initiative-news/>.]

a. Legal Education

<i>Association des juristes d'expression français du Manitoba</i>	
Enhancing Legal Information Services	\$90,098
<i>Canadian National Institute for the Blind</i>	
Know Your Rights	\$20,000
<i>Community Legal Education Association</i>	
General operating grant 2021/22	\$57,500
<i>Faculty of Law, University of Manitoba</i>	
General operating grant 2021/22	\$109,000
<i>Pro Bono Students Canada (Manitoba)</i>	
General operating grant 2021/22	\$15,250
<i>The HoodFams Inc.</i>	
UMOJA-CHI	\$20,000
<i>Indigenous Law Centre, University of Saskatchewan</i>	
General operating grant 2021/22	\$13,800
<i>Law Society of Manitoba</i>	
Access to Justice Coordinator	\$261,510
<i>National Access to Justice Committee</i>	
Support National Committee	\$15,000
<i>Presse-Ouest Ltee. (La Liberté)</i>	
Understanding the New Divorce Act	\$86,000
<i>West Broadway Community Organization</i>	
West Broadway Tenant Support	\$17,611

b. Legal Research

<i>Legal Research Institute – University of Manitoba</i>	
General operating grant 2021/22	\$90,000
<i>University of Winnipeg, Prof. S. Heath</i>	
Understanding Delays & Duplication in Child Abuse Cases	\$17,000

c. Legal Aid Services

<i>Community Legal Education Association</i>	
Law Phone-in, Lawyer Referral 2021/22	\$69,000
Pivot Grant - COVID-19	\$10,000

<i>Community Unemployed Help Centre</i>	
General operating grant 2021/22	\$23,000
Pivot Grant – COVID-19	\$20,000
<i>First Nations Family Advocate Office & Public Interest Law Centre</i>	
Bringing Our Children Home	\$328,334
<i>Legal Aid Manitoba</i>	
Public Interest Law Centre - General operating grant 2021/22	\$207,000
University of Manitoba, Law Clinic 2021/22 - General operating grant	\$98,900
<i>Legal Help Centre of Winnipeg Inc.</i>	
General operating grant 2021/22	\$92,000
Pivot Grant – COVID-19	\$20,000

d. Law Reform

<i>Manitoba Law Reform Commission</i>	
General operating grant 2021/22	\$115,000

e. Development & Maintenance of Law Libraries

<i>E. K. Williams Law Library</i>	
Acquisitions & Maintenance 2021/22	\$94,300

III. Impact of Pivot Grant Funding



Community Legal Education Association

“Community Legal Education Association is grateful to the Manitoba Law Foundation for having the foresight to create their Pivot Grants. The Pivot Grant we received allowed us to purchase laptops and the requisite software, thus making our staff mobile in the face of COVID. Our staff was able to continue providing legal information services to Manitobans, which was especially important for those made even more vulnerable by the pandemic.”

— Mary Troszko | Executive Director, Community Legal Education Association



“A pivot grant from The Manitoba Law Foundation for additional staffing and Information Technology played a vital role in helping Community Unemployed Help Centre respond more effectively to an increased need for services caused by the global pandemic.”

— Neil Cohen | Executive Director, Community Unemployed Help Centre



LEGAL HELP CENTRE

“Thanks to the Manitoba Law Foundation’s Pivot Grant, Legal Help Centre was able to successfully adapt its well-established in-person services to an online, virtual format. With the financial support of the Foundation, we equipped our dedicated

staff, students and volunteers with useful tools and technology so they could stay connected with each other, and more importantly, with clients. The Foundation keenly recognized, at a very early stage of the pandemic, that modifications would be necessary to continue effective service. As a result, the community was still able to access the fundamental assistance they needed from the Legal Help Centre. We are grateful for the support and the Foundation’s commitment to improving access to justice.”

— Paula Hamilton | Executive Director, Legal Help Centre

IV. Q & As with Grant Recipients

In celebration of the Foundation’s 35th Anniversary, the Foundation would like to highlight a few of its discretionary grant recipients to feature their important work, as well as the impact of the funding they receive from the Foundation through a series of *Questions & Answers* in the following pages.

The Manitoba Law Reform Commission (MLRC) has received an annual operating grant from the Foundation since 2002.



Answers provided by Sacha Paul | MLRC Member (2015-present) & Partner, Thompson Dorfman Sweatman LLP

Q. Last year, the Commission celebrated its 50th Anniversary. Can you share some of its history and a little about its most impactful law reform research throughout the years?

A: The Manitoba Law Reform Commission (MLRC) was established in 1970, when the Schreyer government enacted *The Law Reform Commission*

Act. There have been three presidents since the MLRC's creation: The Honourable Frank Muldoon (1970-1978); Cliff Edwards, C.M., O.M., Q.C. (1979-2006), Dean Emeritus of the Faculty of Law, University of Manitoba; and Cameron Harvey, Q.C. (2006-present), Professor Emeritus. If you look at the list of commissioners and staff in any of the older reports you will recognize a lot of names from the legal community: Hon. Eleanor Dawson, Professor John Irvine, Hon. Gerald Jewers, Donna Miller, and Jeff Schnoor, just to name a few.

The MLRC has had its ups and downs over the years. In the mid 1990s, provincial government funding for the MLRC was at an all-time high and the MLRC was able to employ many legal researchers. By the late 1990s, government funding was greatly reduced. That's when the Manitoba Law Foundation stepped in to provide support, which allowed the MLRC to continue its operations. Currently, the MLRC receives funding from both *Manitoba Justice* and the Manitoba Law Foundation. The MLRC is grateful for the Law Foundation's ongoing support, without which we couldn't be the voice for independent law reform in Manitoba.

"The MLRC is grateful for the Law Foundation's ongoing support, without which we couldn't be the voice for independent law reform in Manitoba."

The current Commissioners (in addition to President Harvey and I) are Dr. Michelle Gallant (Faculty of Law, University of Manitoba), Jacqueline Collins (Partner, Gange Collins), and Myrna Phillips (layperson). Having a mix of lawyers, law professors, and a non-lawyer allows for engaging and productive discourse. In particular, having a non-lawyer helps to catch some of the legal jargon that creeps into the language that lawyers are often guilty of using.

To date, the MLRC has published 144 final reports, many of which have resulted in amendments to Manitoba legislation, while others have been cited in judicial decisions and journal articles. There are different ways to measure impact, but if I had to choose some of the most "impactful" projects, I would have to say *Statute of Frauds* (1980), *Report on the Structure of the Courts* (1982), *Franchise Law* (2008), and *Limitations* (2010). *Statute of Frauds* recommended the repeal of antiquated legislation that had long-plagued lawyers and judges alike. *Report on the Structure of the Courts* recommended that the Court of Queen's Bench and County Courts be merged to form a superior trial court of general jurisdiction, which was quite a significant change to the administration of justice in the province. *Franchise Law* recommended that Manitoba enact legislation to regulate franchising. The recommendations in *Statute of Frauds*, *Report on the Structure of the Courts*, and *Franchise Law* were implemented, which changed Manitoba's laws for the better. *Limitations* recommended overhauling Manitoba's overly complex limitations legislation. Although the recommendations have not yet been implemented (despite the report being cited by the Supreme Court of Canada in *Manitoba Metis Federation Inc. v. Canada (Attorney General)*, 2013 SCC 14), it appears that the government will be acting on some of the recommendations this year.

Q. The Commission has a relatively small staff and budget (comparative to other similar organizations in Canada), yet it generates quite a bit of legal research. Can you tell us about how it makes this happen?

A: The MLRC's resources may be modest, but we "punch above our weight" when it comes to our projects and publications. If you look at other law reform agencies of comparable size, the MLRC generates more reports every year.

We have found ways to cut some of our operating costs so that most of our budget can go to employing capable and efficient legal researchers. We also seek out the expertise of lawyers and academics in the legal community who are passionate about a given law reform issue and willing to share their knowledge.

The Commissioners of the MLRC also play a role in legal research and generating reports. President Harvey regularly contributes to MLRC projects, including a current project on the Law of Partition and Sale.

Q. How does the Commission go about finding and selecting its research topics? What exciting topics do you have lined up for this year?

A: The MLRC selects projects based on a set of criteria and the MLRC’s mandate. We receive project ideas from lawyers, academics, community organizations, and members of the public.

We have a number of exciting projects in the works. Right now the MLRC is exploring the laws related to elder abuse and neglect, which is very timely given the spotlight that has been placed on the treatment of older adults as a result of the pandemic. The MLRC is also working on a project on presumption of consent for organ donation. On the horizon, we have some exciting new projects: an ambitious project on the state of administrative law and substantive review, and another on whether Manitoba should enact Anti-SLAPP legislation. (“SLAPP” refers to strategic lawsuits against public participation, which are intended to deter or silence public participation, while “anti-SLAPP legislation” refers to laws designed to prevent individuals or corporations from bringing SLAPP lawsuits.) All of our projects include a consultation process, and we encourage individuals and organizations to provide us with comments on any potential recommendations before those recommendations are finalized.

Q. Can you tell us about some of the successful collaborations and/or partnerships that the Commission has had with other Manitoba Law Foundation grant recipients over the years?

A: The MLRC collaborates with the Faculty of Law in a number of ways. For instance, every year the MLRC creates a project for Pro Bono Students Canada students whereby a team of students conduct legal research and contribute to a law reform project. This year students looked at how the pandemic accelerated changes to the execution of electronic documents and the administration of justice more generally. New in 2020-2021, the MLRC created an externship for a third-year law student who worked on a variety of projects over the course of the academic year. The MLRC also collaborates with law professors on projects, which allows the MLRC to tap into their knowledge and expertise (for free), and law professors have the opportunity to contribute to a law reform project that could advance the law in their research area.

In 2013-2015, the MLRC collaborated with the Public Interest Law Centre on a project reviewing environmental assessment legislation in Manitoba. The organizations jointly employed an articling student who was primarily responsible for the research and project management on this ambitious project. The MLRC welcomes future opportunities to collaborate with other Manitoba Law Foundation recipients. It is a great opportunity to share knowledge and research.

Q. If a Manitoban has an idea for a law reform topic, how would they go about bringing it to the Commission’s attention?

A: The MLRC welcomes all project ideas! We do not need a formal proposal; if you have an idea for law reform, you can send us an email at mail@manitobalawreform.ca.

Canadian Legal Information Institute (CanLII) received Project Grant funding from the Foundation in FY 2018/2019 and in FY 2020/2021.



Answers provided by Sarah Sutherland | Director, Programs and Partnerships

Q: For those unfamiliar with CanLII, can you share a little about your organization and what it does?

A: The Canadian Legal Information Institute or CanLII is an organization with a mission to ensure that Canadian legal materials are available online. We provide an online library of case law, legislation, and commentary. CanLII is owned by the Federation of Law Societies of Canada and a portion of lawyers' annual fees to the law societies across Canada is used to pay for CanLII's core services. We are also grateful to receive occasional project funding from law foundations from across Canada to provide better access to information specific to particular jurisdictions.

Q: What makes CanLII different from other Legal Content Providers?

A: CanLII is the most used legal research site in Canada. We are the only organization in Canada that provides open access to national case law and legislation, as well as an extensive collection of commentary.

Q: In 2020-21, CanLII received a project grant from the Manitoba Law Foundation? Can you share how the grant funds are being used and the impact those funds have in terms of access to justice for Manitobans?

A: We received grants from the Manitoba Law Foundation in 2020 and 2019. In 2020, the grant allowed us to add the annual statutes for the

Province of Manitoba to CanLII back to 1988. In 2019, we used these funds to add over 9,500 cases that were published in the first and second series of the Manitoba Reports between 1884-1960 and 1979-2015.

Q: Do you think the COVID-19 pandemic has had an impact on the importance of the work of your organization?

Since the pandemic started we have seen continued increased use of the CanLII website. CanLII has always been a service that was entirely online, and CanLII employees have been set up to work remotely for many years. This meant that we were ready from the beginning of the pandemic to continue serving the needs of legal researchers without delays while we change the way we do things. CanLII provides a system that allows everyone to better access the legal information they need. Because CanLII's sites don't have paywalls, people are able to share the law without having to do things like print books of authorities for court. We hope that the work we do makes the legal system as a whole more resilient so that we can all move forward together when something like a pandemic happens.

"We hope that the work we do makes the legal system as a whole more resilient so that we can all move forward together when something like a pandemic happens."

Q: How can Manitobans access legal content provided by your organization?

A: All our content is available on our websites at canlii.org and canliiconnects.org. This page will give some instruction on how to navigate it: <https://www.canlii.org/en/info/search.html>.

West Broadway Community Organization (WBCO) received Small Grant funding from the Foundation in FY 2018/2019 to help establish the West Broadway Tenants Supports program, as well as Special Granting Initiative funding in FY 2020/2021 to continue the program during a time of increased need.



Answers provided by Ella Rockar | Housing Coordinator, West Broadway Community Organization

Q: *West Broadway Tenant Supports* is a relatively new program started by West Broadway Community Organization (WBCO). Can you share some WBCO history and this program's origin story, as well as tell us about the community which it serves?

A: One of Winnipeg's most dynamic housing markets, West Broadway is characterized by a population that is predominantly renting (92 percent of households) and relatively poor (median household income is less than half of the City's as a whole). Significant reinvestment in a housing stock that had been chronically undervalued for decades has driven property values up as much as 500 percent since 2001, which in turn has led to rising rents, persistently low vacancy rates for the bottom quintile of the rental market, and significant turnover in building ownership. Recognizing that quality affordable housing is a key social determinant of health and

directly relates to real and perceived conditions of safety and wellbeing among community members, WBCO has prioritized housing stability for area residents since its inception in 1997. In recent years, WBCO has launched a series of projects aimed at maintaining tenancies for the neighbourhood's most marginalized residents, putting modest resources where they will have the greatest impact. The *Tenant Supports Project* represents several years of research, project development, and evaluation - empowering and educating tenants on their rights and responsibilities, while shedding light on bylaws, legislation, and systems that function as barriers rather than supports.

Q: The COVID-19 pandemic has exposed and deepened access to justice barriers to many already disadvantaged communities. Can you share your experiences as to the pandemic's impact to the community you serve?

A: The COVID-19 pandemic has increased the barriers that many tenants face to accessing their rights. Changing availability of resources and tenant legislation, coupled with increased financial instability and uncertainty, has increased housing-related stress and threat of eviction within our community. The need to connect with tenants, assist tenants in understanding and accessing their rights, and work to mediate conflicts to prevent evictions, has never been greater.

"The need to connect with tenants, assist tenants in understanding and accessing their rights, and work to mediate conflicts to prevent evictions, has never been greater."

Q: In 2020-2021, WBCO received funding from the Manitoba Law Foundation for this program. Can you share how the grant funds are being used and their impact to the community you serve?

A: Funding from the Manitoba Law Foundation is used to run our *Tenancy Improvement Program*. This Program is the only eviction prevention program in our neighbourhood where tenants can access assistance regardless of their demographic. The program helps tenants to better understand their rights and responsibilities, assists tenants in navigating resources and systems (such as the Residential Tenancies Branch/Commission and financial benefits), works with tenants and landlords to try to mediate and resolve conflicts, and assists tenants with understanding Residential Tenancies Act legislation as it applies to topics such as evictions, repairs, and rent increases.

Q: If Manitobans are interested in learning more about WBCO or this program, where can they go to learn more?

A: Information on our *Tenancy Improvement Program*, as well as our wide-range of programming in housing, food security, safety, gardening, and more, is available on our website at westbroadway.mb.ca.



LETTRES D'ENVOI

L'Honorable ministre de la Justice et procureur général
Ministère de la Justice
Palais Législatif
Winnipeg, Manitoba

Monsieur le Ministre,

En tant que président de la Fondation manitobaine du droit, J'ai l'honneur de vous présenter, conformément au paragraphe 101(1) de la *Loi sur la profession d'avocat* (la « Loi »), le trente-cinquième rapport annuel de la Fondation manitobaine du droit pour l'exercice se terminant le 31 mars 2021. Les états financiers ont été examinés par les vérificateurs de la Fondation, *Fort Group Chartered Professional Accountants Inc.*, comptables agréés, dont le rapport du 16 juin 2021 se trouve ci-joint. Les états financiers ont été approuvés par les administrateurs de la Fondation au cours d'une réunion du conseil qui a eu lieu le 16 juin 2021.

Respectueusement vôtre,

Garth Smorang, Q.C.
Président de la Fondation manitobaine du droit

OBJECTIFS

En accord avec l'article 88 de la Loi, l'objectif de la Fondation est d'encourager et de promouvoir:

- a) l'éducation juridique;
- b) la recherche juridique;
- c) la réforme du droit;
- d) les services d'aide juridique; et
- e) la mise sur pied et le maintien des bibliothèques de droit.

Afin d'orienter la prise de décisions en matière de subventions et de politiques, le conseil de la Fondation a aussi adopté les énoncés de vision et de mission suivants :

VISION: promouvoir la justice grâce à l'accès, aux connaissances et à la compréhension.

MISSION: la Fondation manitobaine du droit s'engage à promouvoir les connaissances juridiques, à favoriser l'excellence au sein de la profession juridique, et à faciliter la compréhension communautaire du système juridique.

La Fondation finance des programmes et des initiatives qui favorisent et renforcent ces engagements.

CONSEIL D'ADMINISTRATION

Nommé par le ministre de la Justice	
Garth Smorang, Q.C.,Président	Déc. 2012 à déc. 2019 – reconduit
Vice-Présidente	Démission en juin 2019
Monica Adeler	Déc. 2013 à déc. 2016 - reconduite
Terumi Kuwada	Sept. 2012 à sept. 2018 - reconduite
Janna Cumming	Sept. 2015 à sept. 2017 - reconduite

Nommé par l'Association du Barreau du Manitoba	
Jack Cram	Août 2014 à août 2020
Patricia Kloepfer	Août 2019 à août 2022
Vincent Sinclair	Août 2020 à août 2023

Nommé par le président de la division du Manitoba, Association du Barreau canadien	
Kevin Antonyshyn	Sept. 2019 à sept. 2023

Doyen de la faculté de Droit, Université du Manitoba (d'office)	
Jonathan Black-Branch	2016 à juin 2020
David Asper, Q.C.	Juil. 2020 à juin 2021

MOT DU PRÉSIDENT

En raison de la pandémie de la COVID-19, l'année financière 2020-2021 en a été une d'incertitude, de décisions difficiles et d'équilibrage de risques, ainsi qu'une année qui a mis en lumière des difficultés d'accès à la justice existantes, et exacerbées. Cette année en a été une au cours de laquelle nos membres du conseil d'administration et notre personnel ont dû surmonter tous les défis associés à cette pandémie.

Notre conseil et nos employés ont travaillé avec rapidité, efficacité et créativité sur le financement en 2020-2021 afin d'assurer une continuité de nos services actuels et d'établir de nouvelles initiatives.

Au mois d'avril 2020, au moment où l'ampleur de l'effet de la pandémie se précisait, le conseil a tenu une réunion *ad hoc* (et sa première rencontre virtuelle) pour discuter de financement d'urgence. Après un sondage auprès des bénéficiaires de subventions de fonctionnement de la Fondation offrant des services juridiques aux Manitobains, le conseil a octroyé 50 000\$ au total en subventions afin de permettre à trois organisations de « pivoter » dans le contexte de la pandémie et de continuer à offrir leurs services. Ces fonds ont permis à ces organisations d'acheter l'équipement et la technologie dont ils avaient besoin de manière urgente afin que leurs employés puissent continuer à travailler à distance, et une organisation en particulier a pu bénéficier de fonds pour augmenter son équipe afin de répondre à la demande grandissante de services.

De plus, le conseil a fait une présélection de demandes de subventions déposées en réponse à l'appel de candidatures de l'initiative spéciale de subvention de la Fondation lancée en octobre 2019, et l'arbitrage de cette initiative devait initialement se terminer au cours de l'année financière 2019/20. Cette initiative a finalement été mise sur glace au début de mars 2020 pour une période indéterminée en raison de l'incertitude financière entourant la pandémie de la COVID-19.

En octobre 2020, le conseil a approuvé le financement de l'initiative spéciale de subvention pour trois organisations pour un montant total de 600 000\$ afin de soutenir leurs efforts pour promouvoir le succès et retirer les barrières systémiques à la justice au Manitoba. Le conseil était extrêmement heureux de pouvoir procéder par arbitrage. Le budget initial de 1.5 million\$ a malheureusement dû être réduit afin d'assurer que la Fondation conserve les ressources nécessaires pour poursuivre sa mission et sa vision dans les années à venir. Toutefois, le conseil croit que ces trois projets auront un effet significatif sur les obstacles à l'accès à la justice et sur les préjudices dont font face les populations vulnérables au Manitoba, spécialement en cette période où la COVID-19 a amplifié ces obstacles et préjudices.

Le conseil s'est réuni cinq autres fois au cours de l'année, incluant ses rencontres régulières en juin, octobre et décembre 2019 ainsi qu'en mars 2020, et une rencontre spéciale en février 2020. Les activités du conseil lors de ces rencontres sont :

- Ajout de deux nouvelles priorités de subventions stratégiques, soit enseignement juridique, recherche juridique, services juridiques pour :
 1. faire avancer les innovations et modifications aux opérations du système juridique, exacerbés par la crise de la COVID-19, apportant des améliorations à l'accès à la justice du Manitoba; et,
 2. voir à adresser la discrimination systémique des groupes racialisés dans le système légal du Manitoba.
- Approbation d'une politique fiscale et comptable;

- Approbation d'une politique fiscale et comptable;
- Appel d'offres pour des services d'audit et rétention des services de *Fort Group Chartered Professional Accountants Inc.*;
- Amendements majeurs à la Politique de subvention de la Fondation; et,
- Approbation et suivi du budget d'opérations de la Fondation.

Nous avons accueilli deux nouveaux membres du conseil en septembre 2020. Vincent Sinclair, nommé par la *Société du barreau du Manitoba*, un avocat de *Justice Manitoba – Public Prosecutions* et représentant la circonscription électorale du nord, remplace Ted Bock. Le Doyen par intérim David Asper a remplacé Jonathan Black Branch comme représentant *ex officio* de la Faculté de droit de l'Université du Manitoba.

Malgré l'incertitude présente alors que nous entrons dans la troisième vague de la pandémie de la COVID-19, nous sommes confiants que la Fondation, son conseil et son personnel ont non-seulement réagi à l'effet de la pandémie sur les finances et opérations de la Fondation, ils ont été en mesure d'octroyer des subventions en calculant le risque versus l'incertitude (grandissante), tout en répondant aux besoins des Manitobains.

Les membres du conseil d'administration de la Fondation et du personnel ont démontré leur capacité d'adaptation, d'innovation et leur résilience au cours de cette difficile année, et j'aimerais exprimer ma profonde gratitude pour leurs contributions et leur engagement pendant la dernière année.



Garth Smorang, Q.C.

Président de la Fondation Manitobaine du droit

RENSEIGNEMENTS GÉNÉRAUX

En 1986, la législature a constitué la Fondation manitobaine du droit en modifiant la *Loi sur la profession d'avocat* adoptée en 2002. Sous cette législation, les institutions financières doivent verser à la Fondation l'intérêt sur les comptes mixtes en fiducie tenus par les avocats qui exercent leur profession au Manitoba. La Fondation doit payer certaines subventions à même ces revenus en vertu des dispositions de l'article s 90(1) de la *Loi*. De plus, lorsqu'il reste suffisamment de fonds après avoir réglé les frais d'administration et les subventions statutaires, la Fondation pourra offrir des subventions discrétionnaires visant à l'aider à atteindre sa mission et sa vision. Pour plus de renseignements sur la Fondation et le processus de demande, visitez le www.manitobalawfoundation.org.

COMPOSITION DU CONSEIL D'ADMINISTRATION

Les affaires de la Fondation sont gérées par un conseil d'administration nommé en vertu de la *Loi*. Conformément aux dispositions du paragraphe 93(1) de la *Loi*, le conseil compte 10 membres dont le mandat peut durer de 2 à 4 ans, et peut être reconduit. L'administrateur dont le mandat prend fin continue d'exercer ses fonctions en vertu des dispositions de l'article 93(2) de la *Loi*.

RÉUNIONS DU CONSEIL D'ADMINISTRATION & GOUVERNANCE

L'article 98 de la *Loi* stipule que le conseil doit se réunir au moins quatre fois par année. Au cours de l'exercice se terminant le 31 mars 2021, le conseil s'est réuni six fois via vidéoconférence, comprenant deux rencontres spéciales en avril 2020 (afin de considérer un fond d'urgence

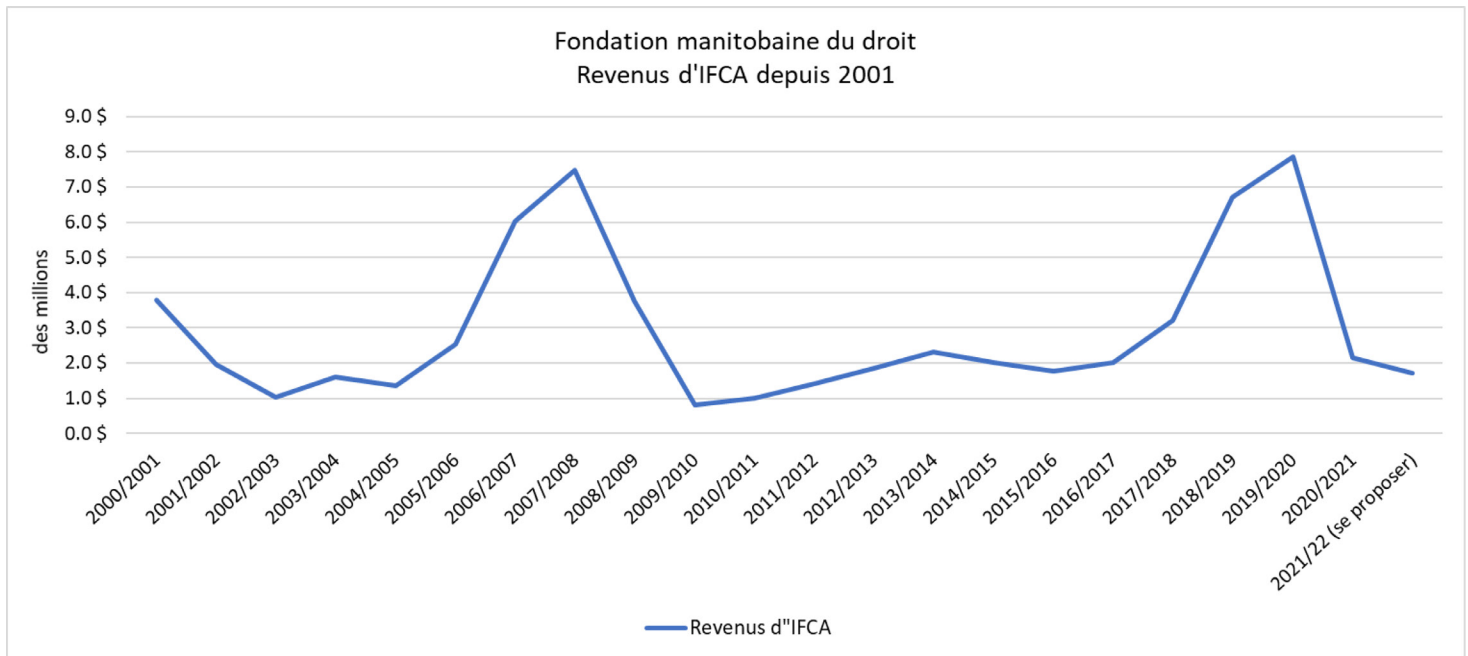
pour venir en aide aux fournisseurs de services juridiques dans l'ajustement de leurs services au cours de la pandémie de la COVID-19) et en février 2021 (afin de considérer et approuver les révisions à la politique de subvention de la Fondation), en plus de ses rencontres régulières en juin, octobre, décembre 2020 et en mars 2021.

REVENUS ICFA

Les revenus de la Fondation proviennent, en grande partie, des intérêts sur les comptes en fiducie communs des avocats (ICFA). Les revenus d'ICFA perçus par la Fondation sont calculés à partir des formules de taux d'intérêt négociés avec chacune des institutions financières au Manitoba détenant des comptes en fiducie des avocats, et sont liés au taux préférentiel. De ce fait, les revenus d'ICFA sont extrêmement sensibles aux fluctuations du taux préférentiel et aux facteurs économiques externes, et sont donc très instables.

Au cours de cette année financière, la Fondation a constaté une diminution de 73 % des revenus d'ICFA pour 2.1 millions\$ comparé à 7.8 millions\$ l'année précédente. Cette diminution est due au taux préférentiel à la baisse en mars 2020 en réaction à la pandémie de la COVID-19. Ces diminutions ont été légèrement atténuées grâce à une entente entre la Fondation et une institution financière pour non-versement d'intérêts au cours des années précédentes.

Le tableau à la page suivante démontre la volatilité des revenus de la Fondation au cours des 20 dernières années.



PLACEMENTS

Durant l'exercice financier 2000-2001, la Fondation a établi une relation formelle avec la *Winnipeg Foundation* pour la gestion de ses placements à long terme qui est encore en vigueur à ce jour. En sa qualité de participant aux fonds en fiducie consolidés de la *Winnipeg Foundation* par l'intermédiaire du fonds de gestion de la Fondation manitobaine du droit, la Fondation reçoit un revenu annuel de la *Winnipeg Foundation* qui est déterminé en fonction de la valeur marchande moyenne (calculée sur une période de trois ans) du fonds de gestion.

La réserve et les montants de la Fondation qui ne sont pas nécessaires pour les besoins de trésorerie à court terme sont conservés dans le fonds. La Fondation a enregistré un gain net de 1 144 803\$ sur ses placements, comparée à une perte nette de 441 654\$ pour l'année précédente. Le gain de l'année en cours est dû à la reprise des marchés après l'instabilité financière attribuable à la pandémie de la COVID-19. Les revenus de placements sont constitués de gains et pertes réalisés et non-réalisés et dividendes nets de frais administratifs et de placement.

POINTS SAILLANTS FINANCIERS

	2020/21	2019/20	Change
ICFA	2,146,378\$	7,845,915\$	-72.64%
Total des subventions attribuées	3,319,698\$	7,382,500\$	-55.03%
Dépenses d'exploitation	223,638\$	265,558\$	-15.79%

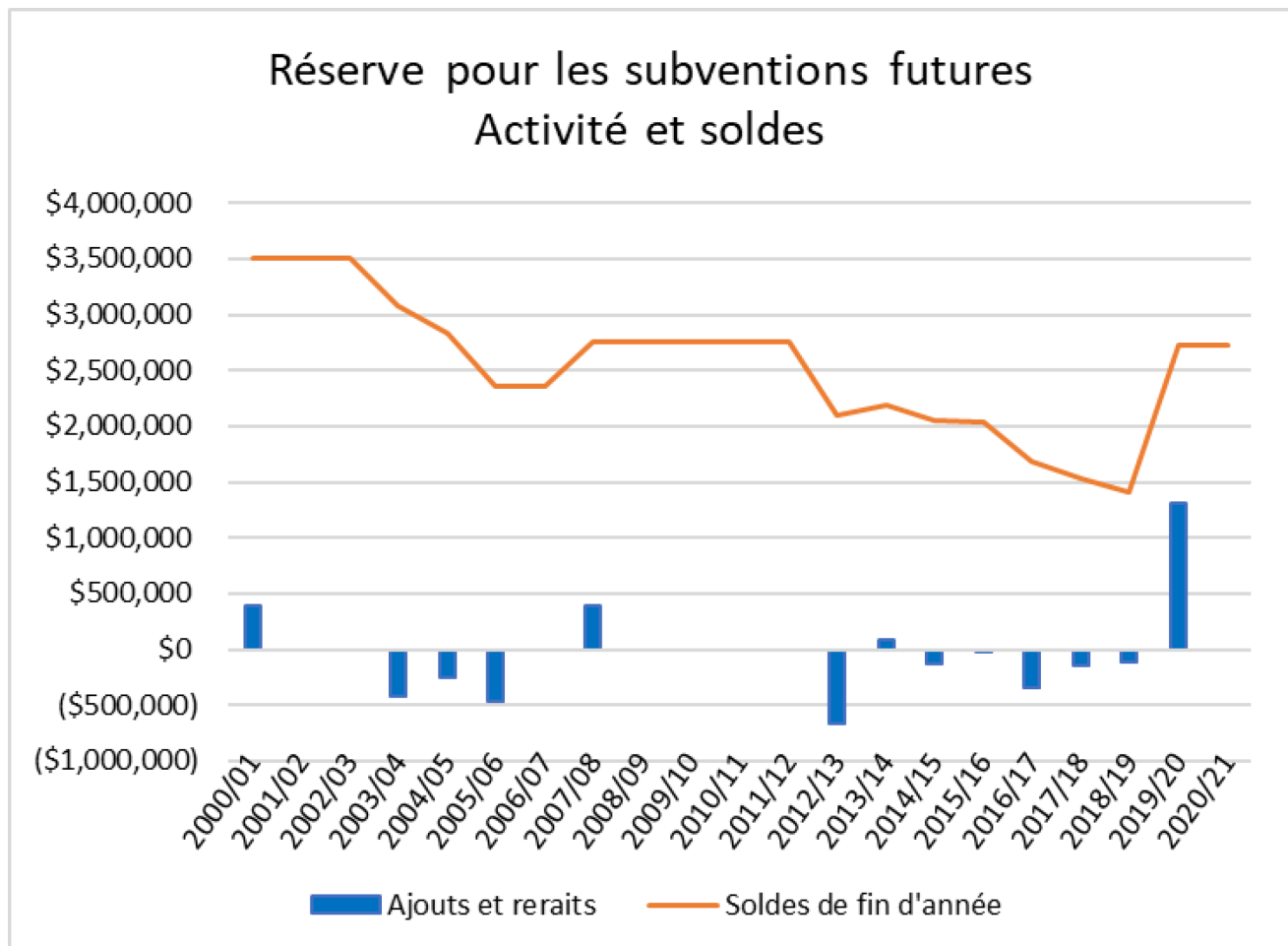
EXPLOITATION DE LA FONDATION

La Fondation vise à maintenir une exploitation rationalisée, ses dépenses d’exploitation de 2020/21 se chiffrant à 224 000\$ au total, comparées à 266 000\$ pour l’année précédente. La diminution des dépenses est largement due aux coûts de déplacements réduits en raison de la pandémie de la COVID-19, de salaires et bénéfices réduits et de coûts réduits en technologie de l’information.

La Fondation a déménagé ses opérations du 177, avenue Lombard, bureau 701 au 207-698 Avenue Corydon, le 1er juin 2021.

RÉSERVE POUR SUBVENTIONS FUTURES

La Fondation maintient une réserve pour les subventions discrétionnaires futures pendant les périodes de baisse de revenu. La politique de la Fondation concernant la réserve indique que son niveau devrait être maintenu pour une période minimale d’un an jusqu’à une période maximale de trois ans, évalué selon un cycle de trois ans. À la fin de l’année, la réserve était à 53 % du maximum. Aucuns fonds additionnels n’ont été ajoutés à la réserve au cours de l’année financière.



SUBVENTIONS

I. Allocations versées en vertu des dispositions de l'Article 90 de la Loi (Subventions obligatoires)

La Loi prévoit que la Fondation accorde une partie des intérêts reçus de l'ICFA à la *Société d'aide juridique du Manitoba* et à la *Société du barreau du Manitoba* au cours de l'exercice précédent équivalent à 50 % et 16.67 %, respectivement. Si les intérêts provenant des comptes en fiducie des avocats ne permettent pas le versement du minimum établi (1 007 629\$ et 335 282\$, respectivement), le montant sera distribué de façon proportionnelle après la déduction des dépenses d'exploitation de la Fondation.

Les subventions ci-dessous ont donc été versées et accumulées au cours de l'exercice 2020/21 :

<i>La Société d'aide juridique du Manitoba</i>	
Versé	3 922 957\$
Accumulé	1 073 189\$

<i>La Société du barreau du Manitoba</i>	
Versé	1 307 914\$
Accumulé	357 801\$

II. Allocations versées de manière discrétionnaires en vertu des dispositions du paragraphe 90(4) de la Loi

Les sommes disponibles pour le versement des subventions discrétionnaires proviennent de l'excédent affiché à la fin de l'exercice précédent, après déduction des dépenses d'exploitation, des subventions obligatoires et, pendant les années au cours desquelles les revenus sont suffisants, et si la réserve l'exige, d'une contribution à la réserve de la Fondation pour le versement de subventions futures.

La Fondation a approuvé la somme de 1 888 707\$ en subventions discrétionnaires spéciales de base ainsi qu'en subventions de projet et

pivot pour 2020/21. Ceci inclut 11 subventions discrétionnaires d'opérations totalisant 984 750\$ qui ont été approuvées et octroyées pour 2021-2022. Cela inclut aussi un peu plus de 600 000\$ en subventions spéciales en initiative [pour plus d'information :

<https://www.manitobalawfoundation.org/special-granting-initiative-news/>.

Des subventions pivots totalisant 50 000\$ ont aussi été octroyées aux trois bénéficiaires qui offrent des services juridiques depuis un moment pour nous, leur permettant d'offrir leurs services à distance.

Le détail des subventions discrétionnaires accordées est inscrit à la page suivante conformément à l'objet stipulé à l'article 88 de la Loi.

a. Éducation juridique

<i>Association des juristes d'expression français du Manitoba</i>	
Bonification des services d'information juridique	90,098\$
<i>Institut national canadien pour les aveugles</i>	
Connaissez vos droits	20,000\$
<i>Association d'éducation juridique communautaire</i>	
Fonctionnement général 2021/22	57,500\$
<i>Faculty of Law, University of Manitoba</i>	
Fonctionnement général 2021/22	109,000\$
<i>Pro Bono Students Canada (Manitoba)</i>	
Fonctionnement général 2021/22	15,250\$
<i>The HoodFams Inc.</i>	
UMOJA-CHI	20,000\$
<i>Indigenous Law Centre, University of Saskatchewan</i>	
Fonctionnement général 2021/22	13,800\$
<i>Law Society of Manitoba</i>	
Access to Justice Coordinator	261,510\$
<i>National Access to Justice Committee</i>	
Support National Committee	15,000\$
<i>Presse-Ouest Ltee. (La Liberté)</i>	
Understanding the New Divorce Act	86,000\$
<i>West Broadway Community Organization</i>	
West Broadway Tenant Support	17,611\$

b. Recherche juridique

<i>Institut de recherche juridique – Université du Manitoba</i>	
Fonctionnement général 2021/22	90,000\$
<i>Université de Winnipeg</i>	
Comprendre les délais et les duplications dans les causes d'enfants victimes d'abus	17,000\$

c. Services d'aide-juridique

<i>Centre Communautaire d'aide aux personnes sans emploi</i>	
Fonctionnement général 2021/22	23,000\$
Subvention Pivot – COVID-19	20,000\$

<i>First Nations Family Advocate Office & Public Interest Law Centre</i>	
Bringing Our Children Home	328 334\$
<i>Société de l'aide juridique Manitoba</i>	
Centre juridique d'intérêt public Fonctionnement général 2021/22	207 000\$
Université du Manitoba, Clinique de droit - Fonctionnement général 2021/22	98 900\$
<i>Centre d'aide juridique de Winnipeg Inc.</i>	
Fonctionnement général 2021/22	92 000\$
Subvention pivot – COVID-19	20 000\$

d. Réforme du droit

<i>Commission de la réforme du droit du Manitoba</i>	
Fonctionnement général 2021/22	115,000\$

e. Development & Maintenance of Law Libraries

<i>E. K. Williams Law Library</i>	
Acquisitions et entretien 2021/22	94,300\$

III. Les effets des subventions pivot



Community Legal Education Association

« L'Association d'éducation juridique communautaire est reconnaissante envers la Fondation manitobaine du droit d'avoir créé les subventions pivots. La subvention pivot obtenue nous a permis d'acheter des ordinateurs portables et les logiciels nécessaires pour rendre notre personnel mobile durant la pandémie de la COVID. Notre équipe a pu continuer d'offrir des services de renseignements juridiques aux Manitobains, une ressource devenue particulièrement importante pour la population devenue encore plus vulnérable par la pandémie. »

— Mary Troszko | Directrice Exécutive, Association d'éducation juridique communautaire



« Une subvention pivot de la Fondation manitobaine du droit pour du personnel supplémentaire et l'ajout de technologies de l'information a été central pour aider le centre communautaire d'aide à l'emploi à répondre plus efficacement à une demande accrue de services due à la situation de pandémie mondiale. »

— Neil Cohen | Directeur Général, Centre communautaire d'aide à l'emploi



LEGAL HELP CENTRE

« Grâce à la subvention pivot de la Fondation manitobaine du droit, le centre d'aide juridique

a pu adapter ses services en personne déjà bien établies vers un format virtuel en ligne. À l'aide du soutien financier de la Fondation, nous avons équipé notre dévoué personnel avec des outils et de la technologie pratiques pour rester connectés entre eux, et surtout avec les clients. La Fondation a reconnu dès le début de la pandémie, qu'il faudrait apporter des modifications pour continuer d'assurer un service efficace. La communauté a donc pu avoir accès à l'aide juridique dont elle avait besoin du centre d'aide juridique. Nous sommes reconnaissants pour le soutien et l'engagement de la Fondation envers l'amélioration de l'accès à la justice. »

— Paula Hamilton | Directrice Générale, Centre d'aide juridique

IV. Q et R avec les bénéficiaires de subventions

Afin de souligner le 35e Anniversaire de la Fondation, nous aimerions présenter quelques-uns de nos bénéficiaires de subventions discrétionnaires et leur travail important ainsi que l'effet des subventions qu'ils reçoivent de la Fondation, sous forme de *questions et réponses* dans les prochaines pages.

La Commission de réforme du droit du Manitoba (CRDM) bénéficie d'une subvention annuelle de fonctionnement de la Fondation et reçoit du soutien depuis 2002.



Manitoba Law Reform Commission

Réponses fournies par Sacha Paul | Membre CRDM (2015-à ce jour) et associé, Thompson Dorfman Sweatman LLP

Q. L'an dernier, la Commission a fêté son 50e anniversaire. Pouvez-vous partager un peu de son histoire et de sa recherche la plus significative en matière de réforme du droit au cours de ces années?

R: La Commission de réforme du droit du Manitoba (CRDM) a été établie en 1970, quand le gouvernement Schreyer a promulgué la Loi sur la réforme du droit. La CRDM a eu trois présidents depuis sa création : L'Honorable Frank Muldoon (1970-1978); Cliff Edwards, C.M., O.M., Q.C. (1979-2006), Doyen émérite de la Faculté de droit, Université du Manitoba; et Cameron Harvey, Q.C. (2006-à ce jour), Professeur émérite. Si vous consultez la liste des commissaires et du personnel dans les anciens rapports, vous reconnaîtrez plusieurs noms de représentants de la communauté juridique : l'Honorable Eleanor Dawson, Professeur John Irvine, l'Honorable Gerald Jewers, Donna Miller, et Jeff Schnoor, pour n'en nommer que quelques-uns.

La CRDM a connu des hauts et des bas au cours de son existence. Au milieu des années 90, le financement du gouvernement provincial a atteint un niveau record, et la CRDM a pu engager plusieurs chercheurs juridiques. À la fin des années 90, ce financement gouvernemental a été réduit de manière significative. C'est à ce moment que la Fondation manitobaine du droit s'est proposée pour offrir son soutien, permettant ainsi à la CRDM de poursuivre ses opérations. La CRDM reçoit présentement du financement de *Manitoba Justice* et de la Fondation manitobaine du droit. La CRDM est reconnaissante pour le soutien continu de la Fondation manitobaine du droit, sans quoi nous ne pourrions pas être la voix de la réforme indépendante du droit au Manitoba.

«La CRDM est reconnaissante pour le soutien continu de la Fondation manitobaine du droit, sans quoi nous ne pourrions pas être la voix de la réforme indépendante du droit au Manitoba.»

Les commissionnaires actuels (en plus du président Harvey et de moi-même) sont le Dr Michelle Gallant (Faculté de droit, Université du Manitoba), Jacqueline Collins (Associée, Gange

Collins), et Myrna Phillips (profane). Ce mélange de juristes, professeurs de droit et profanes permet un discours stimulant et productif. En particulier, le fait d'avoir une personne profane aide à cibler le jargon juridique qui peut s'immiscer dans le langage souvent utilisé par les avocats.

La CRDM a publié 144 rapports finaux à ce jour, dont plusieurs ont conduit à des amendements à la loi manitobaine, alors que d'autres ont été cités dans des décisions juridiques et articles de journaux. Il existe plusieurs moyens de mesurer l'impact, mais si j'avais à choisir les projets les plus « effectifs », je mentionnerais *Statute of Frauds* (1980), *Report on the Structure of the Courts* (1982), *Franchise Law* (2008), et *Limitations* (2010). *Statute of Frauds* (la loi sur les fraudes) recommandait l'abrogation de lois désuètes qui ont longtemps été une épine au pied des juristes et des juges. *Report on the Structure of the Courts* (le Rapport sur les tribunaux) recommandait que la Cour du Banc de la Reine et les tribunaux de comtés soient fusionnés afin d'établir un tribunal supérieur de première instance pour former une Cour supérieure de droit commun, constituant un changement majeur à l'administration de la justice au niveau provincial. *Franchise Law* (le droit des franchises) recommande que la province du Manitoba adopte une loi pour réglementer le franchisage. Les recommandations du *Statute of Frauds* (Loi sur les fraudes), *Report on the Structure of the Courts* (Rapport sur les tribunaux), et *Franchise Law* (le droit des franchises) ont été mises en œuvre, modifiant les lois manitobaines pour le mieux. *Les Limitations* recommandaient de mettre à jour les limitations de législation trop complexes de la province. Bien que les recommandations n'aient pas encore été mises en œuvre (bien que le rapport ait été énoncé par la Cour Suprême Du Canada au Manitoba dans *Manitoba Metis Federation Inc. v. Canada (Procureur Général)*, 2013 SCC 14), il semble que le gouvernement répondra à certaines de ces recommandations en cours d'année.

Q. La Commission a une équipe et un budget relativement restreints (comparée à d'autres organismes similaires au Canada), bien qu'elle génère beaucoup de recherche légale. Pouvez-vous nous expliquer comment ceci est possible?

R: Bien que les ressources de la CRDM soient limitées, nous pouvons « jouer dans la cour des grands » lorsqu'il s'agit de nos projets et publications. Si vous regardez les autres organismes de réforme du droit de taille semblable, vous constaterez que la CRDM génère plus de rapports, chaque année.

Nous avons trouvé des façons de réduire nos coûts d'opération afin que la majeure partie de notre budget puisse être consacrée à l'engagement de chercheurs juridiques efficaces et compétents. Nous ciblons aussi l'expertise d'avocats et d'universitaires dans le domaine juridique qui sont passionnés par une réforme de loi en particulier et veulent bien partager leurs connaissances.

Les commissionnaires de la CRDM jouent aussi un rôle important dans la recherche juridique et la production de rapports. Le Président Harvey contribue régulièrement aux projets de la CRDM, incluant un projet en cours sur la Loi sur la vente ou le partage.

Q. Comment la Commission s'y prend-elle pour trouver et choisir ses sujets de recherche? Quels sujets d'intérêt avez-vous en vue pour cette année?

R: La CRDM choisit ses projets selon des critères établis et son mandat spécifique. Nous recevons des idées de projets d'avocats et d'universitaires, d'organismes communautaires, et de membres du public.

Nous avons quelques projets emballants en vue. La CRDM s'intéresse présentement aux lois touchant la maltraitance et la négligence à l'égard des aînés, un sujet d'actualité, avec la mise en lumière du traitement des aînés pendant la pandémie. La CRDM travaille aussi sur un

projet de présomption de consentement pour le don d'organes. Nous avons aussi d'autres projets excitants à l'horizon : un ambitieux projet sur l'état du droit administratif et un réexamen majeur, et un autre qui voit si le Manitoba devrait enforcer une législation Anti-SLAPP. (« SLAPP » fait référence aux poursuites stratégiques contre la mobilisation publique, alors que la législation « Anti-SLAPP » fait référence aux lois visant à empêcher des individus ou sociétés/entreprises d'intenter des poursuites SLAPP). Tous nos projets sont sujets à un processus de consultation, et nous encourageons les individus et organisations à nous donner leurs commentaires sur toute recommandation potentielle avant qu'elle soit finale.

Q. Pouvez-vous nous parler de certaines des collaborations à succès et/ou partenariats de la Commission avec d'autres bénéficiaires de subventions au cours des années?

R: La CRDM collabore avec la Faculté de droit de plusieurs façons. Par exemple, chaque année, la CRDM lance un projet pour Étudiants Pro Bono Canada par lequel une équipe d'étudiants fait de la recherche juridique et contribue à la réforme d'un projet de loi. Au cours de cette année, les étudiants ont pu observer l'effet accélérateur de la pandémie sur les changements en matière d'exécution de documents électroniques et sur l'administration de la justice. Comme nouveauté en 2020-2021, la CRDM a créé un externat pour un étudiant de droit de troisième année qui a pu travailler sur une variété de projets au cours de cette année scolaire. La CRDM collabore aussi avec des professeurs de droit sur des projets, profitant ainsi de leurs connaissances et de leur expertise (gratuitement), et donnant aux professeurs la chance de contribuer à un projet de réforme de loi qui pourrait faire avancer leur domaine de recherche.

De 2013 à 2015, la CRDM a collaboré avec Centre juridique d'intérêt public sur un projet revoyant la loi sur l'évaluation environnementale du Manitoba. Les deux organismes ont retenu les

services d'un stagiaire en droit qui avait la charge de la recherche et de la gestion de ce projet d'envergure. La CRDM est ouverte à de futures opportunités de collaborations avec d'autres bénéficiaires de la Fondation manitobaine du droit. C'est une chance inouïe de pouvoir partager nos connaissances et notre recherche.

Q. Si un/e Manitobain/e a une idée de sujet de réforme du droit, comment doit-il/elle présenter son idée à la Commission?

R: La CRDM accueille toutes les idées de projets! Nul besoin de proposition formelle. Si vous avez une idée de réforme du droit, vous pouvez nous la faire parvenir au mail@manitobalawreform.ca.

L'Institut canadien d'information juridique (CanLII) a reçu une subvention de projet de la Fondation au cours des années financières 2018/2019 et 2020/2021.



Réponses fournies par Sarah Sutherland | Directrice, Programmes et partenariats

Q: Pour ceux qui ne connaissent pas CanLII, pouvez-vous nous parler un peu de votre organisation et de son rôle?

R: L'Institut canadien d'information juridique ou CanLII est un organisme ayant la mission d'assurer que le matériel juridique canadien soit disponible en ligne. Nous offrons une librairie en ligne de jurisprudence, loi et commentaire. CanLII est la propriété de la Fédération des professions juridiques du Canada et une partie des honoraires annuels des juristes aux Sociétés du barreau au Canada sert à payer les services de base de CanLII. Nous sommes aussi reconnaissants de recevoir des subventions occasionnelles de projets de fondations juridiques de partout au

Canada afin de pouvoir offrir un meilleur accès à une information spécifique à chaque juridiction.

Q: Qu'est-ce qui distingue CanLII des autres fournisseurs de contenu juridique?

R: CanLII est le site de recherche juridique le plus utilisé au Canada. Nous sommes le seul organisme au Canada à ouvrir l'accès à la jurisprudence et à la législation nationales, ainsi qu'à une vaste collection de commentaires juridiques.

Q: En 2020-21, CanLII a bénéficié d'une subvention de projet de la Fondation manitobaine du droit. Pouvez-vous nous expliquer comment ces fonds ont été utilisés et l'impact de cette subvention en termes d'accès à la justice pour les manitobains?

R: Nous avons reçu des subventions de la Fondation manitobaine du droit en 2020 et 2019. En 2020, la subvention nous a permis d'ajouter le recueil annuel des lois la province du Manitoba à CanLII remontant jusqu'à 1988. En 2019, nous avons utilisé ces fonds pour ajouter plus de 9 500 affaires judiciaires publiées dans la première et deuxième série de Manitoba Reports de 1884-1960 et 1979-2015.

Q: Croyez-vous que la pandémie de la COVID-19 a un effet sur l'importance du travail que fait votre organisation?

R: Depuis le début de la pandémie, nous avons observé une utilisation accrue du site internet CanLII. Notre service a toujours été entièrement en ligne, et les employés de CanLII sont en mesure de travailler à distance depuis des années. Nous étions donc prêts depuis le début de la pandémie à continuer à répondre aux besoins des chercheurs juridiques sans délai, tandis que tout le monde changeait sa façon de faire. CanLII offre un système donnant à tous un meilleur accès à l'information juridique dont ils ont besoin. Puisque les sites internet de CanLII sont gratuits, les gens peuvent partager la loi sans avoir à imprimer des recueils d'autorités pour la Cour. Nous espérons que notre travail pourra

rendre le système juridique plus résilient afin de pouvoir tous aller de l'avant, ensemble, dans une situation comme la pandémie mondiale.

«Nous espérons que notre travail pourra rendre le système juridique plus résilient afin de pouvoir tous aller de l'avant, ensemble, dans une situation comme la pandémie mondiale.»

Q: Comment les manitobains peuvent-ils avoir accès au contenu offert par votre organisation?

R: Tout notre contenu se trouve sur nos sites internet au canlii.org et canliiconnects.org. Vous trouverez des instructions pour la navigation sur le site au : <https://www.canlii.org/en/info/search.html>.

West Broadway Community Organization (WBCO) a reçu du financement par le biais d'une petite subvention de la Fondation au cours de l'année financière 2018/2019 afin de l'aider à établir le programme de soutien aux locataires de West Broadway, ainsi que du financement de l'initiative spéciale de subvention au cours de l'année financière 2020/2021 pour continuer le programme en cette période de besoins accrus.



Réponses fournies par Ella Rockar | Coordonnatrice en logement, Organisme communautaire de West Broadway

Q: Le projet de soutien aux locataires de West Broadway est un programme relativement nouveau lancé par la West Broadway Community Organization (WBCO). Pouvez-vous partager un peu de l'histoire de WBCO, l'origine du programme et la communauté ciblée?

R: West Broadway est un des secteurs les plus dynamiques du marché immobilier à Winnipeg, caractérisé par une majorité de locataires (92 % des familles) à revenu relativement faible (revenu familial moyen moins que la moitié de celui dans les villes, en moyenne). Le réinvestissement significatif dans le parc immobilier a été chroniquement sous-évalué pendant des décennies, faisant augmenter la valeur des propriétés jusqu'à 500 % depuis 2001, ce qui a fait augmenter le prix des loyers, causé un taux d'inoccupation perpétuellement bas pour le quintile inférieur du marché de location, et un gros roulement de propriétaires d'immeubles. Reconnaissant que le fait d'avoir des logements abordables est un élément déterminant pour la santé et touchant directement aux conditions réelles et perçues de sécurité et de bien-être au sein de la communauté, depuis sa création en 1997, West Broadway Community Organization (WBCO) a priorisé la stabilité en matière de logement pour les résidents. Au cours des dernières années, WBCO a lancé une série de projets visant à maintenir des options de location pour les résidents les plus marginalisés de la communauté, instaurant de modestes ressources où elles auront le plus d'effet. Le projet de soutien aux locataires est le résultat de plusieurs années de recherche, développement et évaluation – responsabilisant et éduquant les locataires sur leurs droits et responsabilités en démystifiant les règlements administratifs, la législation, et les systèmes qui sont souvent des obstacles plutôt qu'un support au logement.

Q: La pandémie de la COVID-19 a mis à jour et intensifié les obstacles à l'accès à la justice pour plusieurs communautés défavorisées. Pouvez-vous partager vos expériences concernant l'effet de la pandémie sur la communauté que vous servez?

R: La pandémie de la COVID-19 a augmenté les obstacles rencontrés par plusieurs locataires voulant faire valoir leurs droits. Les changements dans l'accessibilité aux ressources et dans la loi sur la location, jumelés à une instabilité financière et une incertitude en croissance, a fait augmenter le stress relié au logement et au risque d'éviction dans la communauté. Le besoin de connecter avec les locataires, les aider à comprendre et à accéder à leurs droits, et faire de la médiation pour prévenir les évictions n'a jamais été plus criant.

«Le besoin de connecter avec les locataires, les aider à comprendre et à accéder à leurs droits, et faire de la médiation pour prévenir les évictions n'a jamais été plus criant.»

Q: En 2020-2021, WBCO a reçu des fonds de la Fondation manitobaine du droit pour ce programme. Pouvez-vous nous dire comment ces fonds sont utilisés et quel est leur impact sur la communauté que vous servez?

R: Le financement de la Fondation manitobaine du droit sert au fonctionnement de notre programme de soutien aux locataires. Ce programme est le seul en prévention d'évictions dans notre quartier grâce auquel les locataires peuvent avoir accès à de l'aide, sans égard à leur situation démographique. Le programme aide les locataires à mieux comprendre leurs droits et responsabilités, les assiste à naviguer les ressources et systèmes (comme la Direction/Commission de la location à usage d'habitation et des avantages financiers), travaille avec les locataires et propriétaires en médiation pour résoudre les conflits, et aide les locataires à comprendre la Loi sur la location et comment elle s'applique aux évictions, réparations, et augmentations de loyer.

Q: Si les manitobains veulent en apprendre plus sur WBCO ou ce programme, où peuvent-ils aller?

R: L'information sur notre programme d'amélioration pour les locataires ainsi que nos programmes en logement, sécurité alimentaire, sécurité générale, jardinage et plus se trouve sur notre site internet au westbroadway.mb.ca.

**THE MANITOBA LAW FOUNDATION
INDEPENDENT AUDITOR'S REPORT
FINANCIAL STATEMENTS
MARCH 31, 2021**

THE MANITOBA LAW FOUNDATION

MARCH 31, 2021

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INDEPENDENT AUDITOR'S REPORT

To the Board of Directors of The Manitoba Law Foundation:

Opinion

We have audited the accompanying financial statements of The Manitoba Law Foundation, which comprise the statement of financial position as at March 31, 2021, and the statements of operations, changes in net assets and cash flow for the year then ended, and the notes to 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 Manitoba Law Foundation as at March 31, 2021, and the results of its operations and its cash flow for the year then ended, in accordance with the basis of accounting as described in note 2 to the financial statements.

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

Emphasis of Matter - Basis of Accounting

We draw attention to note 2 of the financial statements, which describes the basis of accounting. The financial statements are prepared to assist the Foundation to comply with the financial reporting provisions of The Legal Profession Act. As a result, the financial statements may not be suitable for another purpose. Our opinion is not modified in respect of this matter.

Other Matter

The financial statements for the year ended March 31, 2020, were audited by another auditor who expressed an unqualified opinion of those financial statements on June 16, 2020.

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 the basis of accounting as described in note 2 to the financial statements 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 organization's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the organization or to cease operations, or has no realistic alternative but to do so.

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

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 organization'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 organization'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 organization 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 representing the underlying transactions and events in a manner that achieved fair presentation.

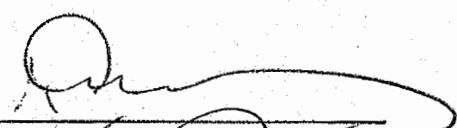
We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

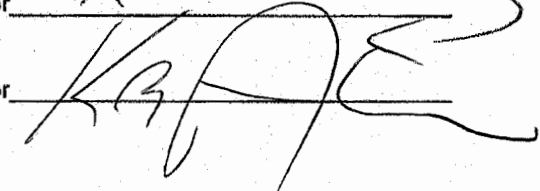
**Winnipeg, Manitoba
June 16, 2021**

Fort Group
**CHARTERED PROFESSIONAL
ACCOUNTANTS INC.**

**THE MANITOBA LAW FOUNDATION
STATEMENT OF FINANCIAL POSITION
MARCH 31, 2021**

	<u>2021</u>	<u>2020</u>
ASSETS		
CURRENT ASSETS		
Cash	\$ 900,790	3,054,986
Prepaid expenses	<u>3,600</u>	<u>-</u>
	904,390	3,054,986
INVESTMENTS (Note 3)	8,140,998	8,345,910
TANGIBLE CAPITAL ASSETS (Note 4)	<u>1,916</u>	<u>2,214</u>
	<u>8,142,914</u>	<u>8,348,124</u>
	<u>\$ 9,047,304</u>	<u>11,403,110</u>
LIABILITIES AND NET ASSETS		
CURRENT LIABILITIES		
Accounts payable and accrued liabilities	\$ 6,405	4,723
Grants allocated and undisbursed (schedule)	<u>3,456,904</u>	<u>6,577,555</u>
	3,463,309	6,582,278
NET ASSETS		
Unrestricted	2,864,030	2,098,531
Invested in tangible capital assets	1,916	4,252
Internally restricted	<u>2,718,049</u>	<u>2,718,049</u>
	<u>5,583,995</u>	<u>4,820,832</u>
	<u>\$ 9,047,304</u>	<u>11,403,110</u>

Director 

Director 

**THE MANITOBA LAW FOUNDATION
STATEMENT OF OPERATIONS
YEAR ENDED MARCH 31, 2021**

	<u>2021</u>	<u>2020</u>
REVENUE		
Interest received on lawyers' trust accounts	\$ 2,146,378	7,845,915
Net investment income (loss) (Note 6)	2,144,803	(441,654)
Interest income	<u>15,318</u>	<u>83,775</u>
	<u>4,306,499</u>	<u>7,488,036</u>
EXPENSES		
Amortization	2,402	2,038
Audit and legal	9,616	9,375
Board fees	16,994	16,449
Courier	-	184
Insurance	946	902
Meeting expenses	191	9,482
Memberships and dues	3,301	3,872
Miscellaneous	3,012	3,564
Office, postage and telephone	10,878	23,587
Personnel	150,772	160,064
Rent	25,366	25,366
Travel	<u>160</u>	<u>10,675</u>
	<u>223,638</u>	<u>265,558</u>
EXCESS OF REVENUE OVER EXPENSES FOR THE YEAR BEFORE GRANTS ALLOCATED DURING THE YEAR	4,082,861	7,222,478
GRANTS ALLOCATED DURING THE YEAR (Schedule)	<u>(3,319,698)</u>	<u>(7,382,500)</u>
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENSES	<u>\$ 763,163</u>	<u>(160,022)</u>

**THE MANITOBA LAW FOUNDATION
STATEMENT OF CHANGES IN NET ASSETS
YEAR ENDED MARCH 31, 2021**

	<u>Unrestricted</u>	<u>Invested in Tangible Capital Assets</u>	<u>Internally Restricted - Reserve for Future Grants (Note 5)</u>	<u>2021</u>	<u>2020</u>
NET ASSETS, BEGINNING OF YEAR	\$ 2,100,569	2,214	2,718,049	4,820,832	4,980,854
EXCESS OF REVENUE OVER EXPENSES	763,163	-	-	763,163	(160,022)
PURCHASE OF TANGIBLE CAPITAL ASSETS	(2,104)	2,104	-	-	-
AMORTIZATION OF TANGIBLE CAPITAL ASSETS	2,402	(2,402)	-	-	-
NET ASSETS, END OF YEAR	<u>\$ 2,864,030</u>	<u>1,916</u>	<u>2,718,049</u>	<u>5,583,995</u>	<u>4,820,832</u>

**THE MANITOBA LAW FOUNDATION
STATEMENT OF CASH FLOW
YEAR ENDED MARCH 31, 2021**

	<u>2021</u>	<u>2020</u>
CASH PROVIDED BY (USED IN):		
OPERATING ACTIVITIES		
Excess (deficiency) of revenue over expenses	\$ 763,163	(160,022)
Add back non-cash item(s):		
Amortization	2,402	2,038
Unrealized (gains) losses from investments	<u>(1,596,547)</u>	<u>880,851</u>
	(830,982)	722,867
Change in non-cash working capital items:		
Prepaid expenses	(3,600)	-
Accounts payable and accrued liabilities	1,680	4,723
Grants allocated and undisbursed	<u>(3,120,651)</u>	<u>1,736,246</u>
	<u>(3,953,553)</u>	<u>2,463,836</u>
INVESTING ACTIVITIES		
Purchase of investments	-	(1,500,000)
Proceeds on disposal of investments	2,349,717	274,410
Purchase of tangible capital assets	(2,104)	(948)
Net acquisition of investments	<u>(548,256)</u>	<u>(439,197)</u>
	<u>1,799,357</u>	<u>(1,665,735)</u>
INCREASE (DECREASE) IN CASH	(2,154,196)	798,101
CASH, BEGINNING OF YEAR	<u>3,054,986</u>	<u>2,256,885</u>
CASH, END OF YEAR	<u>\$ 900,790</u>	<u>3,054,986</u>

**THE MANITOBA LAW FOUNDATION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2021**

1. ACCOUNTING ENTITY

The Manitoba Law Foundation (the "Foundation") was established by the Act of the Legislative Assembly of Manitoba (the "Act") which was assented to October 23, 1986. The Foundation receives interest earned on lawyers' trust accounts and disburses grants to organizations specified in the Act and to other organizations at the discretion of the Board of Directors (the "Board").

The objectives of the Foundation, as set out in the Act, are to encourage and promote the following: (a) legal education, (b) legal research, (c) legal aid services, (d) law reform, and (e) the development and maintenance of law libraries.

The Foundation is considered a not-for-profit organization under provisions of the Income Tax Act of Canada and is exempt from income tax.

2. SIGNIFICANT ACCOUNTING POLICIES

These financial statements have been prepared in accordance with Canadian accounting standards for not-for-profit organizations ("ASNPO") with the exception of the interest on lawyers' trust accounts as described in note 2(a).

An underlying assumption of the preparation of financial statements in accordance with Canadian accounting standards for not-for-profit organizations is that the entity will continue for the foreseeable future and will be able to realize its assets and discharge liabilities in the normal course of operations.

The financial statements include the following significant accounting policies:

(a) Revenue recognition

Under Section 90 of *The Legal Profession Act*, statutory grants to Legal Aid Manitoba and the Law Society of Manitoba are to be calculated each year based upon "the total trust account interest received by the Foundation". Due to the statutory provision, interest on lawyers' trust accounts is recognized in revenue on a cash basis as the financial institutions advise the Foundation of the amounts. The Foundation assumes that solicitors who hold funds in trust for or on account of clients comply strictly with Section 50 of *The Legal Profession Act*. This method of recording interest of lawyers' trust accounts on a cash basis is not in accordance with ASNPO, which requires income to be reported on an accrual basis.

Net investment income and interest income are recognized in the period earned and includes realized and unrealized gains and losses, interest and dividends net of investment fees.

(b) Tangible capital assets

Tangible capital assets are recorded at cost. Amortization is recorded on a straight-line basis at rates intended to amortize the assets over their useful lives as follows:

Computer hardware and software	3 years
--------------------------------	---------

(c) Grants

Pursuant to subsection 90(1) of *The Legal Profession Act*, grants equal to 50% and 16.67% of the interest received on lawyers' trust accounts annually or \$1,007,629 and \$335,383, respectively, whichever is greater, are to be paid to Legal Aid Manitoba and the Law Society of Manitoba, respectively. Provision for such grants is recorded annually in the Foundation's accounts. In the event there is insufficient interest earned on lawyers' trust accounts to meet these commitments, subsection 90(2) of the Act indicates that the grants are to be calculated on a pro rata basis.

Grants other than as described above are recorded in the Foundation's accounts in the year of authorization.

**THE MANITOBA LAW FOUNDATION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2021**

2. SIGNIFICANT ACCOUNTING POLICIES (continued)

(d) Financial instruments

The Foundation initially measures its financial assets and financial liabilities at fair value when the asset or liability is first recognized. The Foundation subsequently measures all its financial assets and financial liabilities at amortized cost, except for investments quoted in an active market, which are subsequently measure at fair value. Changes in fair value are recognized in the statement of operations. Amortized cost is the amount at which the financial instrument is measured at initial recognition less principal repayments, plus or minus the cumulative of any difference between that initial amount and the maturity amount, and minus any reduction for impairment.

Financial assets and financial liabilities are measured at amortized cost including cash, investments, accounts payable, accrued liabilities and grants allocated and undisbursed.

(e) Impairment

Financial assets measured at amortized cost are tested for impairment when there are indicators of possible impairment. When a significant adverse change has occurred during the period in the expected timing or amount of future cash flows from the financial asset or group of assets, a write-down is recognized in the statements of operations and changes in net assets. When events occurring after the impairment confirms that a reversal is necessary, the reversal is recognized in the statement of operations.

(f) Use of estimates

The preparation of the financial statements in accordance 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 at the date of the financial statements, and the reported amounts of revenues and expenses during the reporting periods presented. Actual results could differ from management's best estimates as additional information becomes available in the future.

3. INVESTMENTS

The funds invested in the Winnipeg Foundation Consolidated Trust Fund are comprised of both unrestricted funds and internally restricted funds - Reserve for Future Grants (Note 5).

4. TANGIBLE CAPITAL ASSETS

	<u>2021</u>		<u>2020</u>	
	<u>Cost</u>	<u>Accumulated Amortization</u>	<u>Cost</u>	<u>Accumulated Amortization</u>
Computer hardware and software	\$ 8,532	6,616	6,429	4,215
Net book value	<u>\$ 1,916</u>		<u>2,214</u>	

**THE MANITOBA LAW FOUNDATION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2021**

5. INTERNALLY RESTRICTED FUNDS

Reserve for Future Grants

The purpose of the Reserve for Future Grants (the "Reserve") is to provide the stability during periods of revenue reductions. The Board's policy is to base the Reserve's level upon a multiple of the discretionary granting budget set by the Board, with a range of a one year minimum up to a three-year maximum, assessed on a rolling three-year basis. In addition, the Board may, at its discretion, transfer additional amounts from unallocated revenue to the Reserve. The Reserve funds are invested in The Winnipeg Foundation Consolidated Trust Fund, as disclosed in note 3.

6. NET INVESTMENT INCOME

The following reflects the various transactions within investments held at the Winnipeg Foundation.

	<u>2021</u>	<u>2020</u>
Realized gains	\$ 352,377	133,448
Unrealized gains (losses)	1,596,547	(880,851)
Interest and dividends	278,463	385,008
Administration and investment fees	<u>(82,584)</u>	<u>(79,259)</u>
Total net investment income	<u>\$ 2,144,803</u>	<u>(441,654)</u>

7. RELATED PARTY TRANSACTIONS

The following are related transactions and balances with entities related to Board Members:

	<u>2021</u>	<u>2020</u>
Discretionary grants payable to entities related to Board members (included in grants allocated and undisbursed)	\$ 662,060	321,400
Discretionary grants allocated during the year to entities related to Board members	682,060	642,800

The discretionary grants allocated as at March 31, 2021 referred to above were made to the following entities:

	<u>2021</u>	<u>2020</u>
Faculty of Law, University of Manitoba	\$ 109,000	218,000
Legal Research Institute	90,000	184,000
E.K. Williams Law Library	94,300	188,600
Pro Bono Students Canada (Manitoba)	15,250	32,200
Faculty of Law, University of Manitoba - Kawaskimhon Moot Court	-	20,000
Legal Help Centre of Winnipeg Inc.	112,000	-
Law Society of Manitoba	<u>261,510</u>	<u>-</u>
	<u>\$ 682,060</u>	<u>642,800</u>

Under Section 91 of *The Legal Profession Act*, the Foundation's Board must consist of the following: five appointees of the Minister of Justice, three appointees of the Law Society of Manitoba, one appointee of the Canadian Bar Association, Manitoba Branch, and the Dean of the Faculty of Law or his/her designate. The Act also states at Section 100 that "a director who is associated with a recipient or proposed recipient of a grant from the foundation, and disclosed that association to the board, may vote on any questions relating to the grant, unless the director has direct pecuniary interest in the grant."

**THE MANITOBA LAW FOUNDATION
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 2021**

8. FINANCIAL RISK MANAGEMENT

(a) Interest Rate Risk

Interest rate cash flow risk is the risk that changes in market interest rates may have an effect on the cash flows associated with some financial instruments. The Foundation is exposed to interest rate risk with respect to interest earned on investments and interest received on lawyer's trust accounts. Accordingly, changes in the prime interest will have a positive or negative impact on the Foundation's revenue.

(b) Liquidity Risk

Liquidity risk is the risk that the Foundation will not be able to meet its financial obligations as they come due. Financial liabilities consist of accounts payable and accrued liabilities. Accounts payable and accrued liabilities are paid in the normal course of business and except under certain exceptions, no later than one month.

(c) Other Price Risk

Other price risk is the risk that the fair value of future cash flows of a financial instrument will fluctuate because of changes in market prices (other than those arising from interest rate risk of currency risk), whether those changes are caused by factors specific to the individual financial instrument or its issuer, or factors affecting all similar financial instruments traded in the market. The Foundation is exposed to other price risk through its investment in equity mutual funds for which the value fluctuates with the quoted market price of the equity investments held within its mutual fund investments. Management mitigates these risks by maintaining and adhering to an investment policy that outlines the parameter on the investing holdings.

9. COMPARATIVE AMOUNTS

Certain comparative amounts have been reclassified to conform to the current year's financial statement presentation.

10. UNCERTAINTY DUE TO COVID-19

The safety measures to combat COVID-19 (Coronavirus) and the government response continue to evolve and change quickly. It is management's opinion that the Foundation has adequately adapted to the impact of this pandemic and will continue to maintain operations for the foreseeable future. While management will continue to monitor and evaluate the implications of the pandemic, it is difficult to predict the extent and duration this pandemic could have on the future finances and operations of the Foundation.

**THE MANITOBA LAW FOUNDATION
SCHEDULE OF GRANTS ALLOCATED AND UNDISBURSED
YEAR ENDED MARCH 31, 2021**

	Allocated during fiscal <u>2021</u>	Undisbursed as at <u>March 31, 2021</u>
Per subsection 90(1) the Legal Profession Act		
Legal Aid Services Society of Winnipeg	\$ 1,073,189	1,073,189
Law Society of Manitoba	<u>357,802</u>	<u>357,801</u>
	1,430,991	1,430,990
Per subsection 90(4) the Legal Profession Act (discretionary)		
(a) Legal education		
Association des juriste d'expression français du Manitoba		
Enhancing Legal Information Services	90,098	69,098
Canadian National Institute for the Blind		
Know Your Rights	20,000	14,000
Community Legal Education Association (Manitoba)		
General Operating 2021/2022	57,500	57,500
Faculty of Law, University of Manitoba		
General Funding Grant 2021/2022	109,000	109,000
Pro-Bono Students Canada (Manitoba) 2021/2022	15,250	15,250
HoodFams		
UMOJA-CHI	20,000	20,000
Indigenous Law Centre, University of Saskatchewan		
General Operating 2021/2022	13,800	13,800
Law Society of Manitoba		
Access to Justice Coordinator	261,510	261,510
National Access to Justice Committee		
Support National Committee	15,000	15,000
Presse-Ouest Ltee. (La Liberté)		
Understanding the New Divorce Act	86,000	66,000
West Broadway Community Organization		
West Broadway Tenant Support	17,611	17,611
(b) Legal research		
Legal Research Institute - University of Manitoba		
General Operating 2021/2022	90,000	90,000
University of Winnipeg		
Understanding Delays & Duplication in Child Abuse Cases	17,000	17,000
(c) Legal aid services		
Community Legal Education Association		
Law Phone-In, Lawyer Referral Services 2021/2022	69,000	69,000
Pivot Grant - COVID-19	10,000	2,500
Community Unemployed Help Centre		
General Operating 2021/2022	23,000	23,000
Pivot Grant - COVID-19	<u>20,000</u>	<u>10,000</u>
Carried Forward	<u>\$ 2,365,760</u>	<u>2,301,259</u>

THE MANITOBA LAW FOUNDATION
SCHEDULE OF GRANTS ALLOCATED AND UNDISBURSED (continued)
YEAR ENDED MARCH 31, 2021

	Allocated during fiscal 2021	Undisbursed as at March 31, 2021
Brought forward	\$ 2,365,760	2,301,259
(c) Legal aid services (continued)		
First Nations Family Advocate Office & Public Interest Law Centre Bringing Our Children Home	328,334	328,334
Legal Aid of Manitoba Public Interest Law Centre 2021/2022	207,000	207,000
University Law Clinic 2021/2022	98,900	98,900
Legal Help Centre of Winnipeg Inc. General Operating 2020/2021	92,000	92,000
Pivot Grant - COVID-19	20,000	-
(d) Law reform		
Manitoba Law Reform Commission General Operating 2021/2022	115,000	115,000
(e) Law libraries		
E.K Williams Law Library Acquisitions and Maintenance 2021/2022	94,300	94,300
Grants previously approved and still undisbursed at March 31, 2021		
(a) Legal Education		
Manitoba Association for Rights and Liberties Human Rights Education Workshops	-	28,254
Public Interest Law Centre Access to Environmental Justice	-	11,125
(b) Legal Research		
Manitoba Law Foundation - Access to Justice Internal Project	-	84,870
University of Winnipeg - Dr. Michael Weinrath Winnipeg Police Services Diversion Project	-	1,486
Ending Violence Across Manitoba Inc. Review of the Lavoie Inquiry	-	2,626
(c) Legal Aid Services		
Kinbrace & Manitoba Interfaith Immigration Council Inc. Manitoba Accessing Refugee Protection Program	-	3,778
(d) Law Libraries		
Manitoba Law Library Inc. Law Library Hub	-	87,972
Grants approved and not required		
Association des juristes d'expression français du Manitoba Workshop on New Developments in Language Rights	(1,596)	-
	\$ 3,319,698	3,456,904



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