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ONLINE LEGAL DIRECTORY

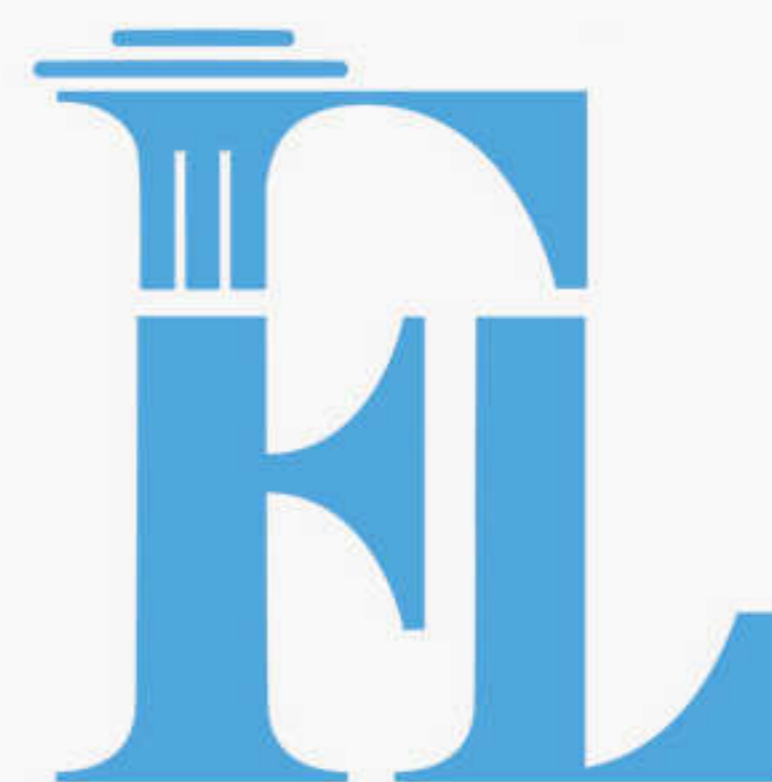
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NO.9 APRIL 2021



**BY ALI AHMARI
MOGHADDAM**
Ontario Probate Law – Certificate
of Appointment of Estate Trustee

**BY Dr. Ashkan
Anvari**
Facelaw directory is the most
widely used Online legal directory



**BY CHARLES
E. GLUCKSTEIN**
The Difficulties with Medical Malp-
ractice Claims & How We Can Help

**BY YLG YAZDANI
LAW GROUP**
Newcomers need smart planning to
manage non-resident real estate taxes

FACELAW, The Right Choice For All Your Legal Needs.



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CHAMBRE DES COMMUNES
CANADA

Ali Ehsassi

Member of Parliament
Willowdale



February 8, 2021

Letter of Appreciation

Dear Messrs. Ahmari-Moghadam & Anvari,

As the Member of Parliament for Willowdale, I would like to take this opportunity to salute you for your efforts in publishing the Facelaw Online Legal Directory.

By providing legal guidance in Farsi and identifying experienced legal professionals that may assist clients navigate the intricacies of the law, you are undoubtedly promoting the welfare of numerous individuals within the Iranian-Canadian community, a development that is bound to be welcome by all.

Thank you for your efforts in promoting greater legal literacy and for highlighting practical information that will enhance prudent decision-making for all of us, while also safeguarding the best interests of individuals confronted by legal challenges. By enhancing our access to legal resources, you are essentially availing all of us of the certainty of granite under our feet, thereby permitting us each to stand taller.

May you thrive in your latest worthy endeavour for many years to come. Your continued success will further the success of others.

Ali C. Ehsassi

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HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA



Majid Jowhari

Member of Parliament
Richmond Hill

October 7, 2020

Letter of Recognition

As the Member of Parliament for Richmond Hill, I would like to thank Ali Ahmari-Moghaddam and Ashkan Anvari for their recent innovation, the Facelaw platform.

Facelaw.ca is a directory of Lawyers, Paralegals, and Immigration Consultants, striving to bring together the best professionals in the legal field in an easy-to-search database making finding the right legal professional simple and efficient. The Facelaw platform also provides access to articles, blogs, and useful information dealing with different areas of the law. There is also a Facelaw Magazine which is available in both English and Farsi and is available to download for free from the website.

I appreciate Ali Ahmari-Moghaddam and Ashkan Anvari's effort and aspiration to make their platform and access to legal professionals easily accessible to more people, and I commend their spirit of innovation and inclusiveness.

Sincerely,

Majid Jowhari, MP
Richmond Hill

Constituency Office

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FACELAW . NOW . APRIL 2021

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WE are a directory of Lawyers, Paralegals and Immigration Consultants, striving to bring together the best professionals in the legal field.

In today's fast paced world, where almost everyone now has the internet in the palm of their hand, finding the relevant information and assistance you require has never been easier.

Finding an experienced lawyer, paralegal or immigration consultant ("Legal Professional") to assist you with your legal matters should be no different. Whether your legal matter is complicated or simple, Facelaw.ca is here to make the initial interaction between the client and Legal Professional just as simple.

Facelaw.ca is a website which connects those looking for a Legal Professional to assist them with a legal matter (or those just wanting to get some preliminary legal advice) with an experienced Legal Professional in the appropriate field of law.

The Legal Professional will help guide you through the complex legal landscape and will provide the appropriate and professional legal advice.

Looking for a Legal Professional that speaks a certain language? Looking for a Legal Professional in a certain city or town? Looking for a Legal Professional whose practice focuses in a specific area of law? Not a problem!

Facelaw.ca will connect you with the right Legal Professional to fit your legal needs quickly and effectively.

Facelaw.ca was created to eliminate the intimidating process of searching for a Legal Professional to provide legal services. Instead of having to call different offices and law firms searching for the right Legal Professional to retain, Facelaw.ca has compiled a searchable database of local Legal Professionals who are committed to serving their clients.

SO stop wasting time making useless calls and reviewing lawyer and law firm websites that provide no real guidance and try Facelaw.ca today!!!

**ABOUT
US**



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► Ali Ahmari Moghaddam

We believe that clients should feel welcome and comfortable every time they walk into our office. Our law firm also works hard to make sure that clients are involved in all aspects of their case. We take the time to educate clients about their legal matter so that they are well informed about all aspects of their particular case.

Why Choose Us?

- CLIENT-FOCUSED SOLUTIONS AND RESULTS
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- A MULTIDISCIPLINARY, COLLABORATIVE APPROACH
- HEAR FROM OUR CLIENTS.
- COMPASSION AND RESPECT
- BILINGUAL SERVICES



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Doctor Of Business
Administration(DBA)

FOUNDER OF
THE FACELAW
PLATFORM

It has been over a year since Facelaw has gone live. We are a directory of Lawyers, Paralegals and Immigration Consultants, striving to bring together the best professionals in the legal field. Aside from the online directory we have also introduced the Facelaw Magazine within the last year as well.

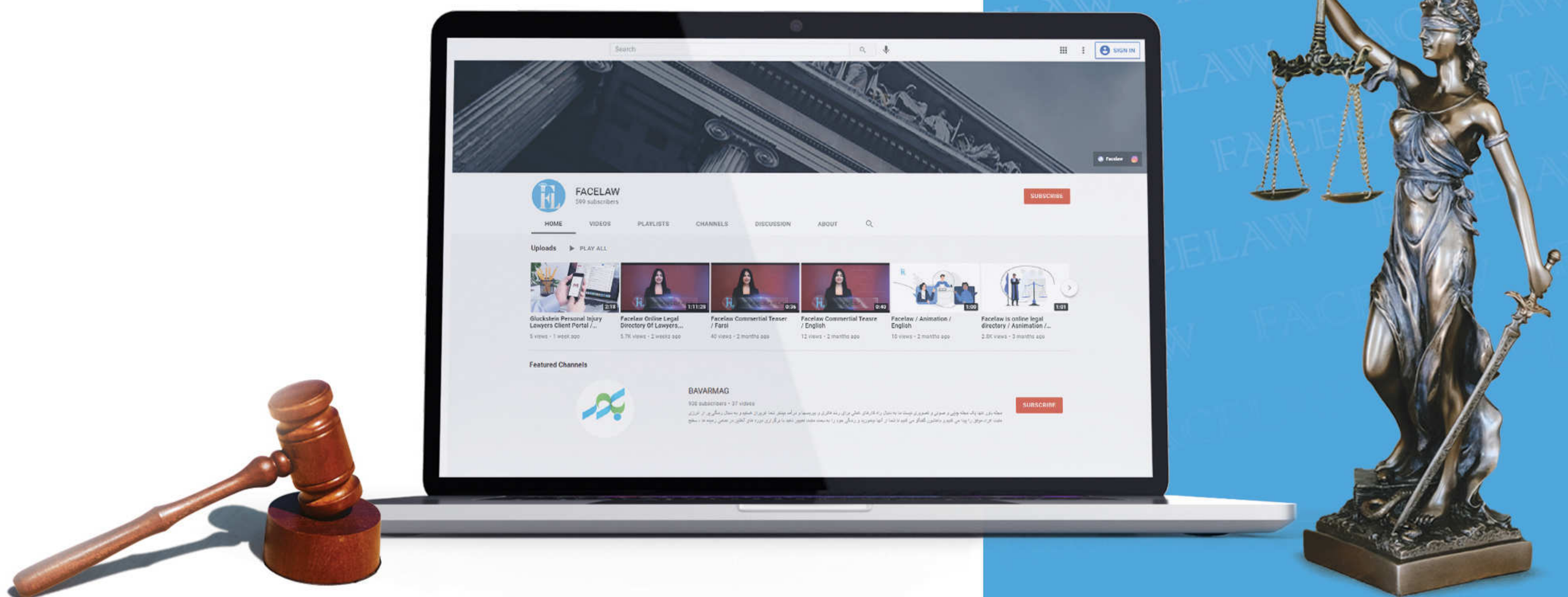


This is our 9th issue of the Facelaw magazine. We are proud to have been able to begin this endeavour during the ongoing pandemic and will continue to utilize this medium to connect with the public. The magazine can be easily accessed through our website and can be downloaded both in English and Persian at this time.

We have more exciting news for you. In upcoming months, we shall begin holding online seminars through social media platforms like YouTube and Instagram. The goal of these being to increase public legal information and awareness of important legal issues in various areas of law. The seminars will allow you to have a direct connection with the speakers and give participants ample opportunities to have their specific questions answered. The speakers will also provide their contact information so that you can contact them for further legal information and clarification. As such we encourage you to follow our Instagram account and subscribe to our YouTube channel.

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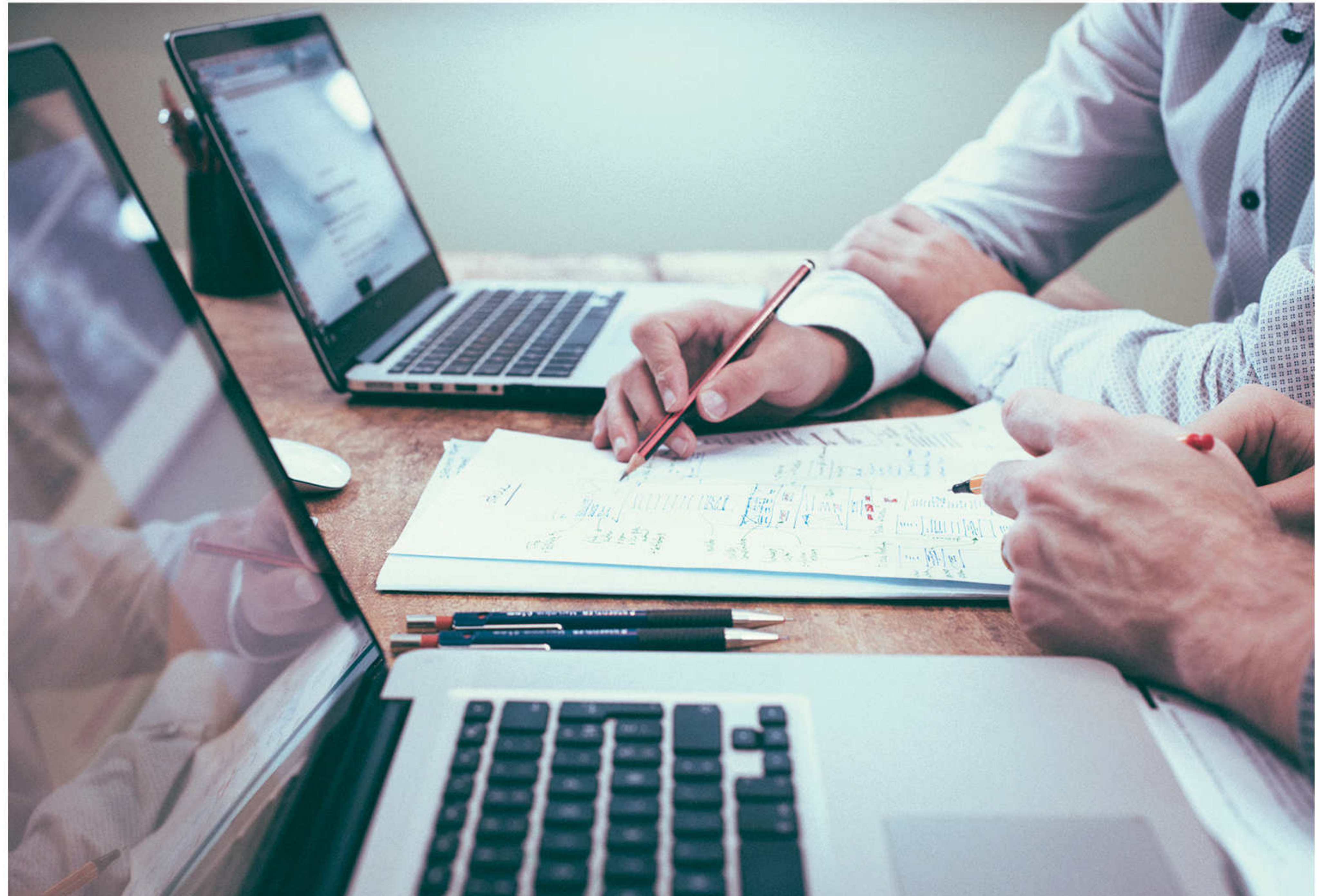
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ARTICLE
FACELAW

In this section of Facelaw you can access useful legal information, and articles you may wish to read that have been published by our members, comprised of lawyers, paralegals and immigration consultants. The intent of Facelaw is to provide a platform to educate the public and to provide a medium for legal needs to be properly addressed pursuant to the laws of Ontario.

The blog is sectioned into different legal topics in which information is provided from different professionals. Facelaw strives to provide you with a wholesome perspective so that you can be guided by different professionals in order to make the best possible decisions involving your legal matters. In doing so, if you have questions you can directly contact the professionals with the information provided on Facelaw. The professionals can help answer your legal questions and guide you in the right direction with respect to your legal matter.

Facelaw has provided an easy access search function that with a simple keyword search you can locate useful information on the legal topic you require information about. We are grateful that we have connected with these professionals to compile valuable resources to share with the public to ensure that you are provided quick and accurate guidance and information.



A simulated YouTube video player interface. The video frame shows a woman with long dark hair in a black blazer against a purple and red background. Text on the right side of the video reads: "Online Legal Directory of", "Lawyers", "Paralegals", and "Immigration Consultants". A URL "WWW.FACELAW.COM" is visible at the bottom of the video frame. A red "SUBSCRIBE" button with a hand cursor is overlaid on the bottom right of the video. Below the video player is a white bar with icons for like, dislike, share, save, and a menu. Below that is a channel name box with the FACELAW logo and the text "FACELAW subscribers".

Subscribe To Our YouTube Channel

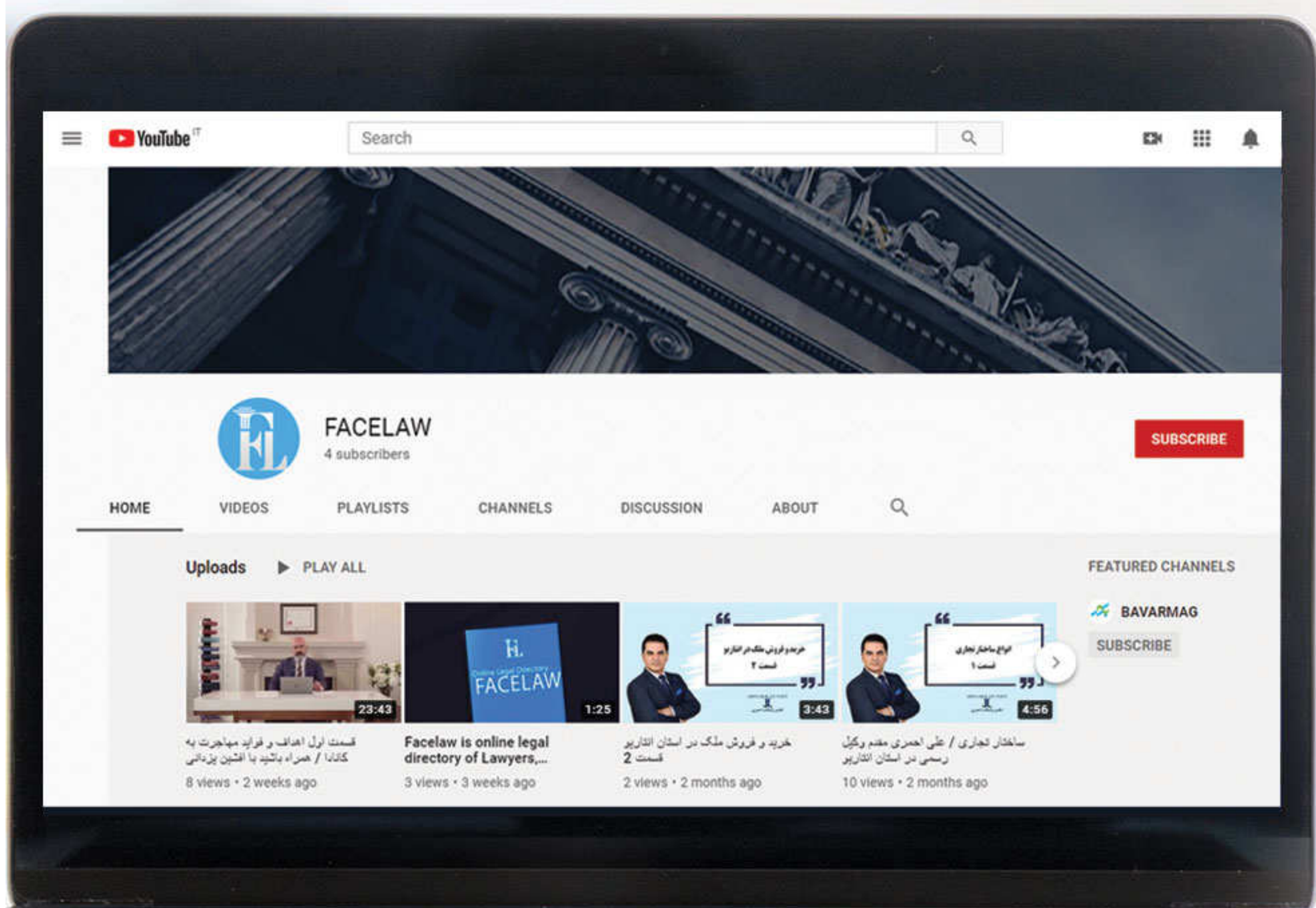


In today's technologically advanced world, social media has become the new phenomenon to connect the world on all levels. The world has technologically moved forward in a way that people no longer just rely on radio or TV to access their favorite program.

Now more than ever, smartphones, tablets, laptops, computers, and any device that connects to the internet have the ability to provide us with the latest information on a given topic within seconds. Likewise, social media platforms, such as internet, TV and radio, are now instrumental for businesses to advertise their services to the public. This process is not only much cheaper than conventional methods of advertising such as radio or TV, but also provides an opportunity for businesses to maintain direct relationship with their audience.

FACELAW INTERNET TV

Radio FACELAW



In this regard, Facelaw has launched its online TV and radio, with the objective of providing reliable legal information, prepared by our members who are trained legal professionals. Information will be provided via video, audio and podcasts to the public on a timely basis.

If connecting with legal professionals in divergent fields and learning more about their services is of interest to you, you are encouraged to follow our social media, website, and YouTube channel to have access to our professional programs. Facelaw is excited to introduce this new medium for legal professionals to educate and connect with their audiences.



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**ALI
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ONTARIO Probate Law Certificate of Appointment of Estate Trustee

If you have never experienced a death in the family, then you are probably unacquainted with the terms probate, executor, and estate administration taxes. However, it is important to get familiar with these terms should the unthinkable happen, and this article aims to better prepare you with the legal reality of what occurs when a loved one dies in Ontario.

WHAT IS PROBATE?

When a person dies they may leave behind personal belongings, real estate and other assets which is known as their “estate”. In Ontario, the only person with legal authority to manage or distribute an estate is an “estate trustee” or “executor”.

“Probate” is a procedure of asking the Superior Court of Justice to:

Confirm the authority of a person named as the estate trustee in the deceased’s Will; or

If there is no Will, give an applicant the authority to act as the estate trustee of an estate.



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WHAT IS A CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE?

When a person applies to be the executor and successfully obtains a Certificate of Appointment of Estate Trustee, they are granted with the legal authority as the executor to administer the provisions of the deceased's Will or if there is no Will, to administer and distribute the estate to potential beneficiaries as directed by the Ontario Succession Law Reform Act.



WHAT ARE REQUIRED DOCUMENTS FOR PROBATE IN ONTARIO?

- 1 Original Signed Will with an affidavit of Execution to the Will (if any)
- 2 Death Certificate or proof of death
- 3 Application for Certificate of Appointment of Estate Trustee along with relevant court documents

WHAT IS ESTATE ADMINISTRATION TAX?

In Ontario, when someone dies their estate will be subject to an "Estate Administration Tax" payable to the Ministry of Finance and it is due at the time of applying for a Certificate of Appointment of Estate Trustee from the Superior Court of Justice.

This tax is calculated based on the total fair market value of all assets owned by the deceased at the time of death.

You do not need to pay the Estate Administration Tax if the total of the estate's value is \$50,000 or less. Any estate valued at over \$50,000 is taxed at a rate of \$15 for every \$1000.

HOW LONG DOES THE PROBATE PROCESS TAKE?

Processing time varies depending on the workload at the specific Court the Application as filed. It usually takes between 6 to 8 weeks from the date the Application is filed until the date the Certificate is granted.

The Application is reviewed by the Court staff within 15 days from the date it is received and if all material is correctly filed, then the Court record is searched to determine if anyone else has made a similar Application, if any objections have been made or if a recent Will has been deposited with the Court.

If there are no issues with the Application, a court file number will be allocated to the Application and the matter will be set down for a Judge to review the application.

If the judge is satisfied with the material, then the judge will pass a court Order granting the Certificate.

ONTARIO'S NEW PROBATE PROCEDURE FOR SMALL ESTATES

As of April 1, 2021, Ontario is making changes to the probate procedure by setting the limit for a small estate at \$150,000 and removing the requirement to post a bond in most small estate probate applications.

Introduced in **Bill 161, Smarter and Stronger Justice Act, 2020**, these changes will make it easier to file a probate application for a small estate that may otherwise go unclaimed. Amendments to simplify small estate procedures will also help people confirm their legal authority to manage an estate quicker while ensuring that safeguards remain in place to protect minors and vulnerable people who may have an interest in an estate.

The goal of these changes is to establish new and innovative ways of delivering services remotely, in-person and online in order to help address dated processes that put a strain on the justice system and contribute to delays and unnecessary wait times for families. These changes build on the government's work with justice partners to simplify other processes for small estates, including:

- 1 allowing for the completion and filing of a new simpler application form;
- 2 removing requirements for certain supporting documents to be filed (for example, a commissioned affidavit of service); and,
- 3 guiding applicants on the process to file a probate application for a small estate.

WHAT IS A SMALL ESTATE?

A "small estate" means an estate that does not exceed \$150,000 in value. It is important to note that the introduction of small estates will have no impact on the calculation of the Estate Administration Tax (often called, "probate fees") under the Estate Administration Tax Act and the filing requirement of an Estate Information Return within 180 days following the grant of probate.

WHAT IS THE NEW SIMPLIFIED PROBATE PROCESS FOR SMALL ESTATES?

The new procedures under Rule 74.1 will include a new simpler application form as well as removing some requirements for certain supporting documents to be filed with the court. Under this process, the court will issue a "Small Estate Certificate" which will have the same legal effect to a Certificate of Appointment of Estate Trustee, save and except that the Estate Trustee's authority pursuant to the Small Estate Certificate will be strictly limited to the estate assets specifically listed in the application.

WHAT IS THE BOND REQUIREMENT FOR SMALL ESTATES?

One of the more welcome changes is that the filing of a bond will not be required for small estates provided there is no minor or incapable beneficiary. A bond is intended to protect the interests of creditors and beneficiaries of an estate and guard against Estate Trustee's mismanagement of the estate or fraud.

HIRING A LAWYER

You are not required to hire a lawyer to probate an estate and it is possible to 'do it yourself'. However, this is not often advisable since dealing with the courts and the preparing the required documents can be a complex, cumbersome and confusing process.

To avoid complications, delays, rejections from the court, and navigating the often-complicated court forms and procedures most people seek legal assistance with the probate process.

Furthermore, with the introduction of the small estates probate process, a lawyer will be able to advise you if the new process is right for you or if the traditional process would be better suited to your needs. For example, because of the limitations on the authority of an Estate Trustee under a Certificates of Appointment in the small estate process, it will be important for Estate Trustees to obtain proper advice about selecting the appropriate process to use.

The death of a family member or a close friend is traumatizing and our team will be there for you every step of the way and will provide you with peace of mind by assisting you in obtaining the Certificate of Appointment of Estate Trustee quickly and efficiently.



ONLINE SEMINARS



Facelaw has the technological ability to conduct various seminars for the community in order to increase awareness in the legal field. As well, Facelaw conducts private seminars for businesses to educate them in the different areas of law. This has the power to inspire businesses to tackle new projects and to advance their level of knowledge within the law. For these seminars, the speakers will be the direct members of Facelaw who are licensed professionals like that of lawyers, paralegals and immigration consultants.

Depending on the nature of discussion, the seminar may be led by one or more professionals.

These seminars will take place in North America. Some will be provided for free and others will require the purchase of a ticket. Facelaw will have all the details including prices, dates, and topics of discussion available on our website for your ease of reference.





Facelaw provides the opportunity for the public to read about the member's legal experience, their desired field of law and their current contact information. This unique feature will allow people to learn more about the background and professional work of the members of Facelaw.

Within the seminars, you will have a direct connection with the speakers by having the ability to ask questions during the seminars. The speakers will also provide their contact information so that you can contact them for further legal information and clarification. In doing so, Facelaw will provide a special discount to those who attend the seminars. Please visit our website for further details regarding the discounts. The highlights of each seminar will be displayed on Facelaw's website so that the public can determine if the topics, location, professionals among other details are of interest to them.

Facelaw values education and community and maintains these values at the core of all of its efforts. As a result, Facelaw will have business-networking events in which all Facelaw members who are experienced professionals in the legal field will have the opportunity to meet and learn from one another. This will allow them to advance their current expertise and to better serve the public as their legal knowledge will be up to date and expanded.



Newcomers Need Smart Planning To Manage Non Resident Real Estate Taxes



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Southern Ontario has one of the hottest and most reliable real estate markets in the world, but non residents who seek to invest face a special tax that can be a barrier. It takes smart planning for prospective investors to manage this barrier.

The Non-Resident Speculation Tax, which the Ontario government imposed in 2017, is a 15 percent levy that applies to foreign and non resident property buyers. It applies to dwellings that house up to six families.

The tax was brought in to temper the real estate market in the Greater Golden Horseshoe Area, which continues to rise. The Golden Horseshoe, with nearly eight million people, includes the Greater Toronto Area (GTA) and extends to Hamilton and Niagara regions, Barrie, Guelph, Brant County and the Kawarthas. It is a magnet for immigration to Canada.

It's also a real estate market that has shifted since the COVID-19 pandemic was declared in March 2020. Now, in addition to urban housing, more spacious properties in the suburbs and at the outer edges of the Horseshoe are increasingly in demand, and home prices keep growing throughout the pandemic.

The 15 per cent non-residents' tax can therefore be daunting, given that the average single-family home price within the GTA is expected to be more than \$1 million in 2021. This levy is above and beyond the Land Transfer Tax that every residential buyer must pay in Ontario.

The additional 15 percent non residents' tax applies to foreign buyers who are neither Canadian permanent residents nor citizens, who purchase residential real estate property outright or an interest in residential property.

Foreign buyers can't get around the tax simply by purchasing residential property through a business. Corporations are subject to it if they aren't registered in Canada or are controlled by non Canadian individuals or directors. The tax also affects foreign entities that are taxable trustees or beneficiaries.

Nevertheless, there are legitimate ways for foreign buyers to purchase residential property in this superhot market without being subjected to the additional 15 per cent levy.

One way, of course, is for a foreign buyer to become a permanent resident. The tax doesn't apply if the buyer is granted permanent resident status before the real estate deal closes.

The additional 15 percent non residents' tax applies to foreign buyers who are neither Canadian permanent residents nor citizens.



Also exempt are foreign nationals who have been nominated under the Ontario Immigrant Nominee Program at the time of the purchase or acquisition and who have either applied for permanent residence or certified that they will apply.

The tax also does not apply to people who have been conferred with refugee protection under s. 95 of the Immigration and Refugee Protection Act (Canada). And foreign nationals who are married to a Canadian permanent resident or citizen and have purchased the property as their principal residence don't have to pay it either.

For many, perhaps most, buyers, it can be better to simply buy a house or condo, pay the tax and then apply for and receive a rebate. Purchasers can apply for rebates for up to four years after they have paid the tax, providing they have owned the property for at least 60 days.

Those eligible for rebates are the same as those who can be exempt — permanent residents, those who will soon become permanent residents and nominees under the Ontario immigration program, and refugees.

As usual, it's important to work through the fine print if one is seeking a rebate. **For example:**

The four year clock for an applicant to apply begins within 90 days of becoming a permanent resident.

International students can also seek a rebate of the tax if they have been enrolled full time and continuously for two years in a designated Ontario post secondary school from the date of purchase. A tax rebate can therefore be obtained if property is in the student's name rather than the parents' names.

Temporary foreign workers can also apply for rebates immediately after paying the tax, provided they have worked full time for at least one year continuously, or the equivalent of 1,560 paid hours, under a valid work permit in Ontario since buying the property.

Is it worth it to shell out a 15 per cent tax on a \$1 million plus property and then have to apply and wait for a rebate? For aspiring new Canadians, this is ultimately a personal financial decision.

It's worth considering all the factors?

True, there is a cost to applying and then waiting for the 15 percent the money is not available while you wait.

On the other hand, there is the benefit to be derived from buying into a housing market that consistently goes up by double digits year after year.

There's also the fact that once you buy a home, you'll have a place to live.



The Difficulties with Medical Malpractice Claims & How We Can Help



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We only get one body. That is why our health is so important. When we rely upon health care professionals, our lives are literally in their hands. For a good reason, we hold medical professions in high esteem.

When a medical professional is negligent, it can be hard to accept and understand. That being said, there must be accountability. As Peter Parker once famously said, "with great power comes great responsibility!"



Unfortunately, it can be challenging to sue health care providers in Canada successfully.

According to the book *After the Error: Speaking Out About Patient Safety to Save Lives*, "Medical errors kill 24,000 Canadians each year, adversely affect hundreds of thousands, and cost close to two billion dollars.

Victims of medical errors and their families who speak out often do so at a considerable emotional, psychological, and financial expense."

Those numbers are staggering.

According to a news article examining the issue nationwide, "Of 911 court cases filed on average annually, patients win 20, doctors win 74, settlements are made in 342, and the remainder is dismissed, discontinued or abandoned."

This low success rate is not surprising, as malpractice lawsuits are complex and very expensive.

To win, plaintiffs must prove that the health care practitioner did not meet the standard of care and establish that the alleged failure resulted in injury and damages.



Succeeding in these lawsuits requires experience. Gluckstein Lawyers brings experience and expertise to this field of law.

No matter where you live in Canada, we can help you with a medical malpractice claim.

We pursue cases involving birth trauma, brain injury, spinal cord injury, or any other adverse medical outcome that leads to significant disability or financial losses.



My recent Supreme Court of Canada victory demonstrates our expertise and ability. In January, Canada's highest court overturned the Ontario Court of Appeal decision in *Armstrong v. Royal Victoria Hospital* without reserve, reinstating a Superior Court decision awarding \$1.3 million to a woman who had a kidney removed as a result of injuries suffered during a 2010 surgical procedure.

This decision was a significant victory for our client and anyone who is a victim of medical malpractice. Plaintiffs face substantial hurdles in proving their cases – both on the standard of care and causation.

When investigating allegations of medical malpractice, we order all relevant medical records and usually consult with appropriate medical experts to assess the claim's viability and strength. This is often an expensive process.

Patients must also keep in mind that there are deadlines they must meet when suing for malpractice. Lawsuits generally must be commenced within two years of the date of the error or two years from when the patient ought to have been aware of the error. In cases involving death, the lawsuit must start no later than two years from the date of death. If the claim is not initiated on time, you may be prevented from suing for damages. Children and those suffering from cognitive disabilities are afforded additional time. For more information on Limitation Periods, see my prior blog post [here](#).





PROFESSIONAL CORPORATION



ROSS MIRIAN, ESQ

Ross Mirian, Esq. Ross Mirian is the managing lawyer at Mirian Law Firm. He is a member of the State Bar of California and the Law Society of Ontario.

Ross practices in the field of personal injury representing injured victims. He has handled and successfully resolved a number of serious personal injury cases involving catastrophic injuries, death, brain injury, fractures, orthopedic injuries, chronic pain syndrome, car accidents, long term disability, slip and fall, dog bite and psychological disability.

Furthermore, Ross also acts on behalf of clients with real estate transactions.

Mr. Mirian takes a personal interest in all of the firm's cases to ensure the highest standards of service and excellence are consistently met.

Prior to establishing Mirian Law Firm, Ross Mirian worked at a large personal injury law firm in Ontario.

tasadof.ca

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NO 9 . APRIL 2021
CANADA / USA

