

balance

... what it's all about

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Meet YOUR Board

Anthony Chan: I am a biomedical engineer working for both the BCIT and UBC Biomedical Engineering Faculties. I focus a lot of energy on work; travelling with my family is great to recharge my batteries. Simon Cox, former Executive Director for Technology for Living (TFL), was a good friend of mine. When the Board was created, he asked me to join. I was happy to become part of an organization where Board, staff and peers are all 100% dedicated to making living independently at home possible.

Don Danbrook, Treasurer: For the last 20 years I have worked in the real estate industry. Currently I am completing my professional appraisal designation. I feel very fortunate that my work allows me to combine my love for the outdoors and passion for traveling. In the 80s Simon Cox introduced me to assistive technology. It was a revelation that changed my life. When Technology for Living (then BCITS) was created, he asked me to join the Board. I am delighted being a member of this Board: fully committed to serving the objectives of this outstanding organization.

Christine Gordon, Chair: I am a community developer specializing in law, policy and program change. I sing in a choir and explore the world on foot or on my bicycle. I helped to create the PROP program and incorporate it into TIL. I also initiated BCITS' (now TFL) move to independence as a non-profit society and became the Chair of the Board as part of that process.

Ken M. Kramer, Q.C., Secretary: I am principal of KMK Law, an estates & trusts

firm in Vancouver, and a professional director for *The Vancouver Airport Authority* and the *College of Chiropractors of BC*. As a person living with a disability, my community has always been at the heart of my life and my work. I went to law school with the goal of helping people in our community have a better life. As a member of TFL, I greatly appreciate what this organization has done for me. My work with the Board allows me to pay it forward.

Walt Lawrence: I have been a counselor at GF Strong for over 30 years. As a person living with a disability, I feel fortunate to live independently in my home. I draw my energy from my family and my community. Simon Cox helped me incorporate assistive technologies into my life early on. After I moved out of Pearson largely because of those technologies, I wanted to contribute to the community. As a TFL Board member I can focus my efforts to help others move forward.

Terry LeBlanc: After retiring from working in IT 13 years ago, I started working as an advocate for accessible transit and housing. One of my greatest passions, *Adapted Sailing* at the Jericho Sailing club, is my favourite way to unwind. Early on I saw the potential assistive technology could have on empowering people with disabilities to living independently at home. When TFL (then BCITS) was established and Simon Cox asked me to join, I was honoured to join the Board of this trailblazing organization.



Technology for Living round up

The apartments at Cambie Gardens will soon be home to 44 residents from George Pearson Centre (GPC). With occupancy expected in the spring of 2022, Technology for Living worked with Vancouver Coastal Health (VCH) to develop an assistive technology plan for the new homes.

This plan includes secure, hands-free technology to open building doors, suites, and bedroom doors in all VCH owned apartments. Residents of all abilities will be able to access elevator controls to independently get to and from their suites. Each bedroom will also have built-in SMART lighting, blinds and thermostats.

Your friendly neighborhood TIL biomed or technicians will work with each person to ensure that everyone has an individual solution that maximizes their independence in their new homes.



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Taylor Danielson (r) visiting with Janet Kreiter, the founder and Executive Director of Opportunity Landing.

This year, team captain Richard Harrison, asked the Technology for Living team to raise \$10,000, much needed funds for our TIL program and double the amount we ever committed to in the past for the Scotia Run. It seemed like a far off goal. Not only was the bar set high with the fundraising commitment, I was unable to run 5km at the start of this venture! Using the 'NHS Couch to 5KM' app, I started 9 weeks of training. While some days saw me struggle, after nine weeks I was able to keep running for the full 5k and even found it to be somewhat enjoyable. Other team members ran full and half marathons, wheeled, walked and paddle boarded to help hit the goal of \$10,000. We did it! A huge thank you to everyone on the team and to all our supporters who generously donated. Go Team TFL!

Taylor Danielson, one of TFL's peer technicians, was excited to explore *Opportunity Landing*, an accessible community garden in Langley. "It's not only beautiful but also wonderfully welcoming." With over 250 elevated garden boxes, four accessible garden sheds and plenty of shady spaces, this garden is available to anyone who wishes to garden. The mission of *Opportunity Landing* is to provide a barrier-free environment, where every space is tailored to meet the needs of people of all ages and abilities. Interested individuals can register for gardening plots on their website at opportunitylanding.ca. If you are not ready to commit yet why not start by paying a visit! And check out the WE TALK TECH Seniors accessible gardening episode on [YouTube](https://www.youtube.com/watch?v=...) at <https://tinyurl.com/bndwmewe>



Ruth Marzetti, TFL Executive Director (l), Sharon Tenenbaum (c) and Louise Ghoussoub (r)

BITS & BYTES FROM TIL

Alexa on Windows

Access to SMART technology is becoming more inclusive every day. For example, not only can you control devices connected to your Amazon Alexa account with your smartphone, tablet, or voice assistant, but you can also control these devices with a Windows 10 computer. Once the Alexa app has been downloaded from the Microsoft store, simply sign into your account to access your SMART devices from your desktop computer.

If you don't have an Alexa account, and don't want to set one up just for this, don't worry... Many manufacturers, like ecobee, have an app on the Microsoft Store so you can control their devices directly.

CONTACT US!

We are always happy to discuss any member's needs. Simply phone us at
☎ **604.326.0175**
or send an email to
✉ info@technologyforliving.org

TIPS & TRICKS

Ok Google, sync devices

If you have ever come across devices (lights, thermostat, etc) that were originally connected to your Google Nest speaker but have become unresponsive, try saying "Hey Google, sync all devices". If your devices have lost connection with Google, this command attempts to establish connection with all devices located in the "Works with Google" section of your Google Home app.

Accessible Gardening

By Wayne Pogue

Technology for Independent Living (TIL) has started a YouTube video series called "WE Talk Tech Seniors" (<https://tinyurl.com/5f394bv>) When the TIL team was trying to decide on topics of interests for the channel we went straight to the experts: TFL peers. It quickly became clear there is great passion for accessible gardening technology. As a result, TIL team members and peers researched currently available technology to assist with gardening activities.

It looks like gardening is a passion shared by many because there is plenty of gardening technology out there. Although September may be a little late in the year to start gardening, it's not too early to start planning for an indoor winter garden or preparing for next spring. Also, with the end of the season approaching, deals on gardening technology may start popping up, so it is a great time to get ready for next year!

Garden Height

For peers, having the right garden height is essential for promoting an enjoyable and accessible experience. When navigating the garden in a wheelchair, it is important to ensure your plants are at an accessible height, ideally with room underneath containers for your chair. A raised garden bed, or hanging baskets, offer an excellent set up to access plants.

Watering

Watering a garden is essential, but it can be difficult to use a hose to water your garden every day. There are a few options available to make watering your garden more accessible. First, consider having a small irrigation system

installed. An irrigation system can be set-up so that the perfect amount of water reaches each of your plants. Controlling the irrigation system happens via SMART technology. The irrigation system can be connected to a timer, so it waters every day for a specific period, unless it's raining.

Another option that provides even more control is to install a WIFI enabled water controller. This WIFI enabled controller allows you to either setup automatic schedules or gives you the choice to take direct control using your smartphone.

Lighting

If you are considering an indoor garden located in a darker area of your home, providing extra light needs to be considered. There are many lighting options available, but if you install a WIFI enabled lighting system, you will be able to control or schedule it directly from your smartphone.

Although TIL does not actually provide technology for gardening, we are able to help you connect SMART gardening devices to your existing technology. So, if you have questions, please don't hesitate to reach out. Happy gardening!

See also on page 2 Taylor Danielson, TFL Peer Technician, reporting about his visit to Opportunity Landing, a fully accessible community garden in Langley.



The evolution of the Provincial Respiratory Outreach Program

By Dr Jeremy Road

I arrived in Vancouver in 1985 as a clinician scientist at UBC hospital with a specific interest in the muscles that facilitate breathing.

While the Provincial Respiratory Outreach Program (PROP) itself didn't exist then, the seeds for the program had been sown, many years ago after the Polio epidemic in the 1950s, at the George Pearson Centre (GPC): some residents at Pearson's had recovered from Polio but continued to need support for their breathing.

Coinciding with my arrival was the emergence of several scientific developments.

A new medical field —Sleep Medicine— was looking at how to help patients suffering from obstructive sleep apnea which eventually led to the development of a revolutionary nasal device called CPAP. In turn, with some modifications to these CPAP machines, the BIPAP machines were developed.

Simultaneously, small portable positive pressure ventilators became available. Up until then, positive pressure ventilators had been large and restricted to hospital use. Many may remember the so-called iron lung, the grandfather of all ventilators, a vital but cumbersome negative pressure ventilator.

Other important developments were advances in non-medical technologies, specifically Velcro and Silastic that allowed for a comfortable interface for the user.

All these advances combined allowed people to be ventilated outside of the intensive care unit in hospital, and eventually move into their own home. The movie "Breathe" is a biographical drama portraying the inventiveness that allowed people to be freed from institutions to pursue their lives at home with their families.

In the 1990s an outreach program was created at Pearson's, initially staffed by one respiratory therapist, allowing some people to go home using portable breathing devices. The funding for this program was tenuous. Delays in obtaining financial support meant prolonged, heartbreaking stays in the hospital. A solution arrived with a proposal to the government to establish a provincially-funded program. The benefits of this program, PROP, are immense. Best of all: prolonged waits in hospital for equipment are a thing of the past. Between 2002 when there were 189 peers using the program, we are now serving over 800 members province-wide.

As the Medical Director of PROP since its inception in 2001, I have been able to see from the outset the importance of individual PROP users having a voice in determining how the program works. Peer support groups and communications with the members at large have facilitated this process over the years.

Having ventilatory support in the home requires very specific knowledge by the peer and caregivers. We are very fortunate to be able to rely on the educational support and comprehensive expertise provided by PROP's respiratory therapist (RT) team, a passionate group of RTs with a special interest in home ventilation.

It has been my role to oversee the PROP admission criteria, to meet with the RTs to discuss new approaches, and revisit current policies as required.

One of our latest initiatives has been to look at airway management from a new angle. Our initial attention was focused on supporting breathing. We now realize it is also beneficial to support the expiratory muscles with clearing secretions from the airways. I am happy to say we now have a supply of equipment for assisting coughing and the capacity to provide education around its use.

The RT team has readily adapted new approaches to supporting individuals on long-term ventilation and have been well-led in this regard. Our most recent RT lead, Esther, has cultivated a keen interest in keeping PROP services up to date and we have all benefited from her expertise and kindness. Esther has been a very important contributor to PROP's success, and we wish her well now that she has left PROP. It is obvious to me that the members of our RT team thoroughly enjoy their work and are continuously vitalized by the satisfaction gained from working with peers ventilated in their homes. Those peers are at the heart of PROP and an inspiration to us all.

PROP has evolved from small beginnings to be a very successful provincial program. Peers using our services feel well supported in their homes. The advances in our knowledge and technology have made this transition a reality over the past 20 years. PROP had a unique beginning and has evolved into an effective model which is the envy of many other programs around the world.



Reducing worries by utilizing technology

By Nancy Lear

Living independently at home with a high-level disability can bring many and often unexpected challenges. A seemingly *small* task can easily turn into a traumatic experience. For example, turning on a light can become an unsurmountable hurdle when the ability to flip a switch is no longer physically feasible for a person. In this article, a few Technology for Living members describe some of their distressing experiences and how with the help of assistive devices available from the Technology for Independent Living (TIL) program they were able to regain control of their environment.

Technology for Independent Living on my side

Terry LeBlanc has been living with a spinal cord injury for 42 years. For many of those years he has been a huge fan of the assistive technology TIL has provided him with to allow him to live independently.

While he had been able to take advantage of an automatic apartment door opener for many years, using the elevator in his building posed another problem. While Terry could leave his apartment by himself, he couldn't get further

than the elevator. He had to sit in the hallway until one of his third-floor neighbours came out of their suites to use the elevator themselves: "It made me feel like one of those poor canines waiting outside the stores for their owners to return."

For three years, Simon Cox, former executive director of Technology for Living and the TIL team worked tirelessly to make access to the elevator possible for Terry. Now, using a SMART remote on his power wheelchair he can summon the elevator to his floor. Once inside the elevator, a display slowly rotates through the floor numbers and when he arrives at the desired floor, he uses his *sip and puff* to select it: "I felt instantly reconnected with my community, within the building and the neighbourhood"

10 years ago, another health issue crept up for Terry. A narrowing of the spinal canal at the site of his original injury had been slowly growing tighter year by year. It had started to force spinal fluid to back up and enter the spinal cord itself. As a result, it slowly weakened his relatively strong left arm. The delicate surgery performed to alleviate

the pressure regrettably caused total paralysis of his left arm and weakened his right arm. He feared his days of independent living were over. Terry remembers: "But once again the TIL team was able help sort the problem. The team sprang into action and was able to set up innovative and alternate ways to operate all the devices which had given me the possibility to live independently at home."

Google Home to the rescue

Jenny Taylor, 56, is passionate about going for strolls in a nearby park, meeting up with friends and family and generally enjoying life. She lives with Cerebral Palsy and has 24-hour care which helps her to live on her own at home. Jenny believes: "When it comes to training new caregivers, it's all about finding the right fit. And even when staff are trained, that first shift is the tell-tale which makes or breaks a new working relationship."

Recently she went through a traumatic experience with a new care giver, making one of her fears come true: being left alone without a caregiver. It felt especially frightening because the care giver left Jenny in her washroom attached to a mechanical lift and then vanished. "She gave no explanation apart from she couldn't do this. I felt utterly on my own, completely isolated from any help," Jenny remembers. "I knew I had to do something to address this terrible predicament. Google Home suddenly came to mind. Using voice control, I was able to call my sister."

Jenny explained her dilemma, and her sister contacted a past caregiver to come and help Jenny. She felt a huge relief to hear and see a person coming to her rescue. "In hindsight, I didn't get the chance to check this caregiver's references because I hired her on a weekend. I urge others to always check candidates' references before hiring. You just never know. Another lesson I learned is how amazing technology is. The variety of assistive devices available from TIL like Google Home make all the difference in the world. Thank you to TIL!"

And then there was light

Chris Hofley remembers the dark old days: "Before assistive technology became available, I left for work in the dark and got back home in the dark. Since I do not have a 24-hour support system and was unable to reach certain light switches, I had no way of simply turning on the light."

He credits TIL for making assistive technology available and creating significant changes in his life. "Between the automatic door opener and Google Home, I am able to live with a disability as independently as possible at home."

Apart from turning on lights, Chris uses Google Home to turn on the TV, the radio and generally feels like he does not need to be dependent on people.

"I feel very privileged to be a member of Technology for Living and that I am able to use the technologies offered by the TIL program."

How members can access TIL

Wayne Pogue, the Team Lead for TIL, explains how members can access the program: "An application is available on our website (<https://tinyurl.com/ttj8k7m2>). Once we receive your application, a team member will contact applicants to gather more information about their needs and to setup a face-to-face or virtual meeting." During this meeting, the TIL tech will typically assess the applicant's home, with them and their care team. This helps TIL to understand how best to assist with independent living goals.

Wayne continues: "Not only will the TIL tech address the needs outlined in your application, but we will also see where else TIL may be helpful in your home."

TIL receives a wide variety of requests from members: anything from assistance in accessing digital devices to operating doors, opening blinds, calling an attendant, controlling the bed, turning on/off lighting, controlling temperature, watching TV, and more. TIL can assist with all these requests. Very occasionally a member may have an issue we can't help with. Wayne reassures: "If we can't help, we will try to find a partner program in the community that may be able to assist."

There are always questions about how long it will take for installations to happen after a successful application. Surprisingly, from application to getting TIL tech team members to assist with setting up assistive technology can happen in as little as 1-2 weeks. If there is a tech savvy person in the household who knows a little about technology, this can often speed up the process even more.

Something to ease potential members' mind: TIL is in it for the long haul. As Wayne puts it: "We don't just install and that's the last you see of us. We will be there for as long as you need us. Our equipment is available on a long-term loan basis, so if it ever fails, we're there to help as quickly as we can. And of course, we are also available as your needs change, ready to change equipment in line with your abilities to control your environment."

Introducing the WE TALK TECH Seniors project

By Terry LeBlanc

Technology for Living is thrilled to have received funding through the New Horizons for Seniors program available from the federal government. Thanks to this funding, we have been able to put together diverse and exciting projects aimed at our +55 peers. We have tried to touch on as many topics of interest as possible and hope there will be something for everybody. One important thing to set everyone's mind at ease: team members of the Technology for Independent Living program (TIL) are here to help explain tech terms to the technophobes among us while at the same time improve digital literacy for all of us. Terry LeBlanc, a TFL peer, is introducing a couple of the projects in this article.

The WE Talk Tech Seniors program

I was an early adopter of computers and started taking advantage of what that technology had to offer in the 70's. By the early 90's, with the rise of the Internet, with more and more complex systems to navigate and the rise of thousands of new apps, technology became more challenging.

The goal of the WE Talk Tech Seniors Program is to help peers navigate these increasing challenges.

Topics here will include Information Technology (IT), electronic devices which can be purchased off the shelf, and how to set these devices up in your home to increase your independence. There will be 12 on-line Zoom information and training sessions, offering guidance and advice on new and emerging technologies.

Safeguarding against cyber crime and beyond

The New West Police Department (NWPD) kicked off a series on safeguarding against crime in May at a Pathways to Independence meeting. Internet crime was one area discussed: phishing, credit card fraud, e-mail fraud, and how to protect yourself while dating on-line were topics examined. Another subject was how to protect your property and make your home safer. The Technology for Independent Living program (TIL) offers *August Door Locks* (august.com) for added security. These locks get fitted on the inside of your apartment, which is helpful should you live in a strata that

doesn't allow changing the hallway appearance in front of your unit. TIL can also install controls to make elevators accessible using GEWA Remotes which operate with codes.

During the summer of 2021 the NWPD will collaborate with a Technology for Independent Living peer, Heather Morrison, to produce a video to take an in-depth look at internet crime, scams, elder abuse, property protection and security tips for apartments and other topics.

Gardening

Being a keen gardener who enjoys digging around in my plot at the Kerrisdale Community Garden, I am not averse to using a little technology to help my plants. I use an analogue timer for drip irrigation.

If things are looking a little dry, I can add another watering cycle simply by using my cell phone. TIL can help you sorting out what kind of technology is available for making gardening more accessible. As part of the gardening series, we are visiting members' gardens and are also excited to offer the benefit of advice from master gardener Claude Le Doux who will give tips on everything from planting, watering, and lighting to how to get rid of slugs.

Other topics

- › Throughout the year we will explore technology for the home for people caring for or living with dementia and Alzheimer's
- › We will invite peers to test new TIL devices like SMART cabinet locks and SMART glasses and share their reviews of those devices
- › We will highlight emerging technology from local companies
- › We will discuss technology that could help people stay in their homes using communication options accessible via Google Hub
- › We will investigate options to contacting others using SMART technology.



Are you a senior and interested in taking part in any of the WE Talk Tech Seniors programmes?
Get in touch with rharrison@technologyforliving.org



Forest Bathing

By Taylor Danielson

In the 1980s, much of the Japanese population was feeling overwhelmed by work. Some people experienced stress to such an extreme level it resulted in death. One solution for dealing with this unforgiving situation was something called “shinrin-yoku”. It is a simple, yet unquestionably successful therapy and translates to ‘forest bathing’. People take in the forest during a leisurely stroll. This is an opportunity to slow down and to connect with nature using all senses.

Technology for Living along with the Individualized Funding Resource Centre has partnered with Dr. Kari Krogh of EcoWisdom to offer guided forest bathing sessions which are accessible to people who live with physical disabilities. Dr. Krogh is well aware of the unique stressors the disability community has been experiencing during the current pandemic. But she believes in the strength of the community and members’ ability to support each other.

The forest bathing sessions are presented virtually on Zoom – anyone can participate from home, a local park, a backyard, and even your bed! Participants are guided through relaxation exercises, gentle stretches, mindfulness meditation and contemplation practices.

Kari uses nature images and videos she has taken from the EcoWisdom Forest Preserve where she lives. Each session is crafted based on neuroscience, forest medicine, psychology, and mindfulness. She combines her background as a health researcher with her personal experience of disability to fuel her commitment to inclusion, compassion, community building and sustainability.

As part of Dr. Krogh’s vision for a mutual support system, she has supported

IFRC and TFL in applying for funding to expand this work to include training five members of the disability community to become Accessible Nature Wellness Program guides.

One of the new guides-in-training would be Nancy Lear, Technology for Living’s Peer Support Facilitator. After she attended a forest bathing session for the first time on a whim she feels she learns more about the power of nature and what it means to be mindful with each session. Nancy believes forest bathing can be a way to connect and participate in collective group healing and that anyone can benefit from forest bathing sessions. She is looking forward to joining the EcoWisdom facilitation team for the next program.

Another Technology for Living peer who has participated in forest bathing is Laurie Edberg. Laurie is an experienced outdoorsperson who enjoys accessible hiking and sailing. Like many, Laurie has felt confined during the pandemic. After her first virtual forest bathing session, she described the experience enthusiastically as the next best thing to being out in nature. She found it to be relaxing, calming, and peaceful.

These virtual sessions offer an excellent alternative with tangible benefits for anyone’s well-being. Readers are also encouraged to use these mindfulness practices in any greenspace they can access.

Interested individuals can register at EcoWisdom.ca or contact Nancy Lear, Technology for Living Peer Support Facilitator, at 604-326-0175. The final program of the series, funded by a TD Park People Grant, will be on September 18, 2:00-4:30.

Provincial Disability Benefits and Exempt Asset Considerations

By Audrey Jun, LL.B. & Ken M. Kramer, Q.C., TEP KMK Law



The Persons with Disability (“PWD”) designation is not permanent as the Ministry of Social Development and Poverty Reduction (the “Ministry”) can revoke this designation at any time. To receive and continue to receive disability assistance in British Columbia, a PWD must meet certain asset and income criteria.

Asset Limitations

If you are a single person, or a single person in a family unit where only one person has a PWD designation, you are allowed to have up to \$100,000 in liquid assets, whether that is comprised of cash and/or investments. This exemption increases to \$200,000, if there are two PWD designations in your family unit.

However, some assets are exempt, meaning, their value is not counted towards this asset limit of \$100,000 or \$200,000. For example, in addition to liquid assets, a PWD is permitted to have: a car for daily use, a principal residence where you reside, and clothing and necessary household equipment. These exempt assets do not affect eligibility for PWD.

Housing Exemption and Caution

It is important to note that knowledge of which assets are exempt should not be the only consideration for individuals who are planning for the future of a PWD recipient. For example, parents with a child with disabilities should seek specialized legal advice when considering making a purchase of a home for their adult child, or when considering trans-

ferring their home into joint tenancy with their adult child. This apparently simple solution may lead to unintended consequences and additional cost, especially if the child may not meet traditional legal capacity requirements.

The most common justification for parents wanting to provide their adult children with ownership of a home is that not only is it an exempt asset, but the desire to ensure that their child with a disability always has a “roof over their head”, after they pass, and the belief that real estate will always increase in value. However, this may not always be an accurate assumption.

It may be prudent to explore other options, such as renting, or government-subsidized housing or shared living situations. There are also many other considerations: Who will maintain the home, and pay for increases in property and strata fees, taxes, new roofing and more? What if the home does not continue to meet that child’s needs as they age? Nobody can predict the future, and there is more to a cost/benefit analysis than the value of real estate. What is known is that home ownership is complex, requires great attention, care, and ongoing maintenance, and may incur significant costs.

There are also several potential pitfalls in transferring a home into the name of the adult child with a disability. If a lawyer and notary determine that the adult child does not have the requisite legal capacity, an expensive court application may be required before the home can ever be sold or otherwise transferred. Alternatively, if a lawyer or

notary finds that the child does have the requisite mental capacity, the adult child may be able to give away or sell the property at will, which may be concerning to parents who believe their child may be susceptible to influence. Committeeship may also be required if the adult child is incapable of managing the property on their own. *(Committeeship occurs when a court appoints a person or persons to manage an adult's financial, legal, and/or personal affairs after declaring that the adult is incapable. This option is expensive, invasive, and seen as a last resort when an Enduring Power of Attorney is not in place and a Section 7 Representation Agreement cannot be used. See Balance Issue March 2021.)*

If a home is put into joint tenancy with an adult child, this can cause similar challenges, and possibly additional concerns. It is common to facilitate such a transfer to avoid probate fees (approximately 1.4% in British Columbia) which are paid on assets that fall into one's estate after death. If the transfer into joint tenancy is seen as including a gift of the right of survivorship, where the survivor of the joint owners will receive the home outside of the estate, probate fees will be avoided. However, it is also important to consider capital gains taxes. A transfer can trigger capital gains taxes on the portion of the interest transferred if it is not the parent's personal residence. Or alternatively, if it is a personal residence, it could lose part of its tax-exempt status. If the child receives property by survivorship, the parent's estate will need to pay capital gains tax, which can affect the other beneficiaries of the estate. In some situations, unless there is explicit evidence that there was a "true" joint tenancy or a gift of the right of survivorship, interested parties may argue that the property is being held by the surviving child on a resulting trust for the estate, meaning it should be returned to the estate. The burden is on the adult child to prove that it was a true gift. This may result in litigation which could create further costs, delay, and uncertainty. A transfer into joint tenancy will also lead to a loss of control for the parent: the home will also be vulnerable to claims of creditors or family law claims of all owners, and the adult child will be involved in all decisions regarding its sale, and/or refinancing. These are relevant issues for all parents, not only for parents with children with disabilities.

The topic of home ownership and planning for families with disabilities is a complex topic and further detail is beyond the scope of this article. However, it is important to appreciate that there are many practical, financial, and/or tax considerations that should be explored with a knowledgeable legal advisor before any concrete steps are taken.

Trusts

As explored in a previous article, trusts are also considered an exempt asset by the Ministry. However, depending on the type of trust, there may be a limit to the amount that can be held in the trust for the trust to be considered an exempt asset.

Briefly, a trust is a relationship involving three parties: the settlor (the person who creates and contributes money to the trust), the trustee (the person who manages the trust funds and who legally owns the funds), and the beneficiary (the person for whose benefit the trust is set up).

Trusts may be implemented in the following two circumstances: initially, where a parent would like to leave an inheritance for their PWD child in their Will, or where a PWD has received an inheritance or large settlement directly. Without a trust, such an inheritance or settlement, if over \$100,000, risks eliminating that person's eligibility for PWD.

In the former situation, parents generally set up what is called a "testamentary" trust in their Will. This means that the trust does not come into existence until the parents' death – and likely not until both parents pass away. In such a testamentary trust, a trustee (who is not the child) is appointed to manage the funds and has the discretion to disburse the funds to the child as needed, and towards their disability related costs. There is no limit on the amount of funds that can be held in such a trust, assuming it is discretionary, and the child has no ability to collapse the trust or gain control over its assets.

Where such planning has not been facilitated and a PWD receives a large inheritance directly or comes into a large settlement from a personal injury lawsuit, the PWD may have to settle a trust themselves. In this circumstance, there are two potential types of trusts: non-discretionary or discretionary. The distinction between these two types of trusts is primarily focused on the level of discretion that the trustee has over trust payments to the PWD.

In a non-discretionary trust, the PWD retains some control over payments. Non-discretionary trusts are subject to a capital limit of \$200,000, although it is possible to obtain an exemption for a higher limit if the Minister is satisfied that the lifetime disability-related costs of the PWD beneficiary will exceed \$200,000.

In a discretionary trust, the PWD retains no control, and their appointed trustee has absolute discretion over how much is paid from the trust. The PWD must also have no ability to collapse the trust and gain control over the assets held within the trust. Since the PWD beneficiary cannot

compel the trustee to make payments, the Ministry does not consider discretionary trusts to be an asset, regardless of the amount of funds held in the trust. There is therefore no limit to the amount that can be contributed to a discretionary trust.

Finally, all disability related trusts must be submitted to the Ministry to be assessed for validity, and exempt status.

Registered Disability Savings Plan - RDSP

For those under 60 years of age, another important option to consider for PWD's is the Registered Disability Savings Plan ("RDSP"). This retirement savings plan is intended to help persons with disabilities to save for their long-term financial security. RDSPs are exempt assets for the purposes of PWD eligibility. The federal government also provides both grants and bonds to match annual contributions to a RDSP, making the RDSP an attractive investment vehicle. Taxes are not paid on RDSP funds until the funds are withdrawn. When withdrawn, grant and bond portions and income and gains from contributions made to the RDSP are taxed as income.

To be eligible for the RDSP, a person must also be eligible for the federal disability tax credit ("DTC"). A form called a Disability Tax Credit Certificate must be completed by the individual with a disability or their representative, as well as a medical practitioner. Disability Alliance BC also has a Disability Tax Credit Tool to help medical providers complete the DTC Certificate.

Up to \$200,000 may be contributed to an RDSP over the lifetime of the PWD. However, contributing the \$200,000 at once will not maximize the government grants and bonds that PWDs may be eligible for. An annual contribution of \$1,500 will generally maximize the amount of grant and bond received each year, and assuming that the PWD's only form of income is provincial disability benefits. There are many factors to consider with respect to these calculations, i.e. income, eligibility period for DTC, and the length of the RDSP.

The contribution to an RDSP is not limited to the PWD, as anyone can contribute – their family or friends. Notwithstanding who contributes to or helps the PWD open an RDSP, the RDSP will always belong to its beneficiary, or the PWD. No one else can determine who the RDSP funds will go to after the PWD passes away—it will become part of that person's estate. If the PWD has a will, it will be distributed according to the provisions in their will. If the PWD does not have a will, it will be distributed according to the province's intestacy (default distribution) laws.

If a PWD requires assistance in managing their RDSP, they may have another person or persons acting as Holder (or Joint Holders) on the account to assist in opening and/or managing the RDSP. If the RDSP is opened for a minor, the Holder can be the parent(s) or guardian(s). Parents can also remain on as Holders even when the PWD reaches adulthood should they have capacity related challenges. If there is no such arrangement in place into adulthood, in BC, a legal document called a Section 7 Representation Agreement ("RA7") is available. With an RA7, the adult person can appoint a representative to assist with routine legal and financial matters, in addition to health and personal care matters. An adult can make an RA7 even if they are not considered capable of making other legal documents, as the *Representation Agreement Act* provides for a more inclusive definition of capability.

At the age of 60, funds held within the RDSP must be withdrawn annually from the RDSP. However, one-time or ongoing payments may be made from any age — it must be noted that there is a 10-year holdback period where grants and bonds deposited may need to be returned to government, as they have not been "vested".

To learn more about the RDSP, consult www.rdsp.com, a website hosted by the Plan Institute, or contact the helpline at 1-844-311-7526. The website also provides a RDSP calculator that can help you estimate the future value of an RDSP, as well as future withdrawal payments.

There are many options for people consider who have a PWD designation without affecting their PWD eligibility. However, care must be taken to ensure that the benefits and pitfalls of different scenarios are contemplated to avoid unintended consequences. To ensure your goals are met, please consult with your professional legal advisors.

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KMK Law, provides specialized legal services in the areas of Wealth Management, Estate Planning, Estate Litigation and Mediation.

Ms. Jun and Mr. Kramer Q.C.'s assistance in providing this information is appreciated. Readers are cautioned that the information expressed in this article should in no way be construed as legal advice.

Welcome back Miranda!

After a six year absence, Miranda Whiteley has happily returned to join the PROP team as a Respiratory Therapist. During those six years she qualified as a Massage Therapist and also managed to get some travelling in.

PROP users who remember Miranda from her first time around working for Technology for Living have welcomed her back enthusiastically. With her light, fun approach and passion for delivering the best possible service, Miranda has immediately become a hit with our peers!

technology for living



**Thursday, September 16,
5:30-7:00PM**

A link for members to join this Zoom event will be sent electronically in advance.

Special virtual performances by renown local musicians ***Digger Dan & Daniel Alexander***

We are also looking forward to be joined by a special guest to close this year's AGM.