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LAW CENTRE**
Lawyers & Notaries Public

Specializing in

- real estate law
- business law
- wills & estates

With us you receive:

- plain language
- up-front approach
- work quoted by the job, not the hour.
- prompt service
- friendliness
- value for money

Offices in:

- Sidney
- Brentwood Bay
- Broadmead

More info on back page

"It is good to polish your mind against those of others."

– Michael de Montaigne

Raising the Bar

Issue 2, Autumn, 2010

Welcome to *Raising the Bar*, a quarterly newsletter for clients and friends of Beacon Law Centre. We intend this newsletter to maintain a valued business relationship at any stage – even after our legal services for you are completed.

With *Raising the Bar*, we hope to keep up the best aspects of our service: meaningful information, trusted advice, and outstanding service. In turn, you can pass on our name, and maybe even this newsletter, to someone else who might need our services.

FIRST PERSON:

Local Carpenter-Contractor John Hannigan

John Hannigan, an experienced professional carpenter, got into construction right after high school 17 years ago. Eventually tired of “always working for the boss,” John decided to go into business for himself. This would enable him to do even better for clients and for himself, plus he would be good to his workers.

key to simplicity

New to running an independent business, John was cautious about his overhead costs. He did not want to administer payroll for staff or hire a bookkeeper, so he decided to designate his workers as independent contractors. On the internet, he found a good model to follow for an independent contractor agreement.

labourers signed up

The model contract stated clearly that each worker would be an independent contractor responsible for their own paycheque deductions to Canada Revenue Agency. Following this model, John got his workers all signed up.

goes for legal check-up

A few weeks later, John heard about dropping in at Beacon Law Centre (BLC) for a Business Legal Check-up. He made an appointment to speak to a lawyer. Thinking ahead, he brought along a copy of the agreement he had made with his workers. BLC’s Kelvin Scheuer reviewed it and asked John some questions.

The questions included:

- Did the workers come to work when they

wanted or when John told them to? (It was the latter.)

- Did they use their own tools of the trade? (John would not expect the workers to supply these.)

- Did they work for anyone else? (No. John did not support moonlighting.)

- Did John pay the workers by the job or by the hour? (By the hour. He reasoned that it would not be fair to expect them to be paid the same for a hard job as for an easier one.)

discovers he’s an employer

Kelvin gave John some important advice. He explained that, even though he and his workers had signed the agreement stating that the workers were independent contractors responsible to pay their own taxes and such, the law would regard the workers as John’s employees. Accordingly, Canada Revenue Agency would hold John accountable for all payroll deductions owing.

takes prompt corrective action

Though surprised, John was thankful to receive this advice early on. He took a list of bookkeepers referred by Kelvin and went to one for help. The next day, John held a meeting with his workers. He explained what he had learned and told them that a bookkeeper would calculate and remit paycheque deductions on their behalf. Also, as staff, they could claim EI if ever necessary. This was received as a win-win outcome. 🛠️

This story is a composite of real-life stories. No client names have been used.



PERSONNEL PROFILE: Kelvin Scheuer, Lawyer, Associate



Kelvin Scheuer joined Beacon Law Centre as an associate lawyer in 2008. He provides legal services in the areas of real estate, estate planning, business and family law.

Kelvin grew up in Edmonton, Alberta. After earning BA and MA degrees, he studied law at the University of Alberta and graduated with a Bachelor of Laws (LLB) degree in 1996. He practiced law in Edmonton for four years before moving

to the Victoria area in 2001, where he and his family have resided ever since.

Kelvin has been a member of the Law Society of British Columbia since 2001, and a member of the Law Society of Alberta since 1997 (non-practicing since 2001). He is a member of the Canadian Bar Association in the commercial and real estate, wills and trusts, and family law sections, as well. He has also been a member of the Victoria German Business Association since 2005.

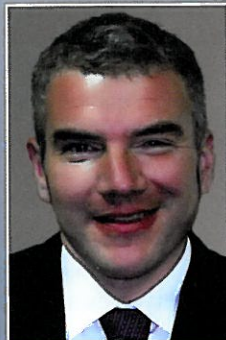
Practising law is enjoyable for Kelvin. He finds it particularly rewarding when satisfied clients of Beacon Law Centre refer their friends, colleagues, family, and neighbours. 🏠



Del Elgersma,
Lawyer, Partner



Lianne Macdonald,
Lawyer, Partner



Kelvin Scheuer,
Lawyer, Associate

LEGAL TIPS

- 1) To label a worker as an independent contractor does not make them one.
- 2) Written employment agreements are effective to:
 - a) protect confidential business, original creations, and trade secrets.
 - b) protect an employer from severance pay claims.
- 3) Beacon Law Centre offers a comprehensive Business Legal Check-up for proactive entrepreneurs.
- 4) Let satisfied clients help to build the business. Thank them for referrals. 🏠



COMMUNITY INVOLVEMENT

Beacon Law Centre's Kelvin Scheuer has served as a volunteer director with the Saanich Peninsula Chamber of Commerce since 2009, continuing a BLC tradition. The lawyers of BLC have served as directors with the chamber over the past several years. Del Elgersma was a director between 1996 and 2002 and was president

from 2000 to 2002. Lianne Macdonald served as a director between 1992 and 1994. The Saanich Peninsula Chamber of Commerce is the voice of business on the peninsula, supporting economic development and business interests, and building business relationships. For more information visit www.pensinulachamber.ca. 🏠

THREE LOCATIONS

Sidney

104-9717 Third St.
Sidney, BC, V8L 3A3

Victoria (at Royal Oak)

4599 Chatterton Way,
Victoria, BC, V8X 4Y7

Brentwood Bay

5-7115 West Saanich Rd.
Brentwood Bay, BC, V8M 1P7

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Beacon Law Centre (BLC) is a leading south-island boutique law firm. BLC concentrates on real estate, business law, wills, and estates. We provide service from offices in Broadmead, Sidney, and Brentwood Bay. *Raising the Bar* is one way we keep in touch with clients and friends. We also respect your confidentiality. If you want us to add or remove your name and address from the *Raising the Bar* mailing list, then send e-mail to newsletter@beaconlaw.ca. Please share the newsletter with others. When you recommend BLC, that is our best advertising.