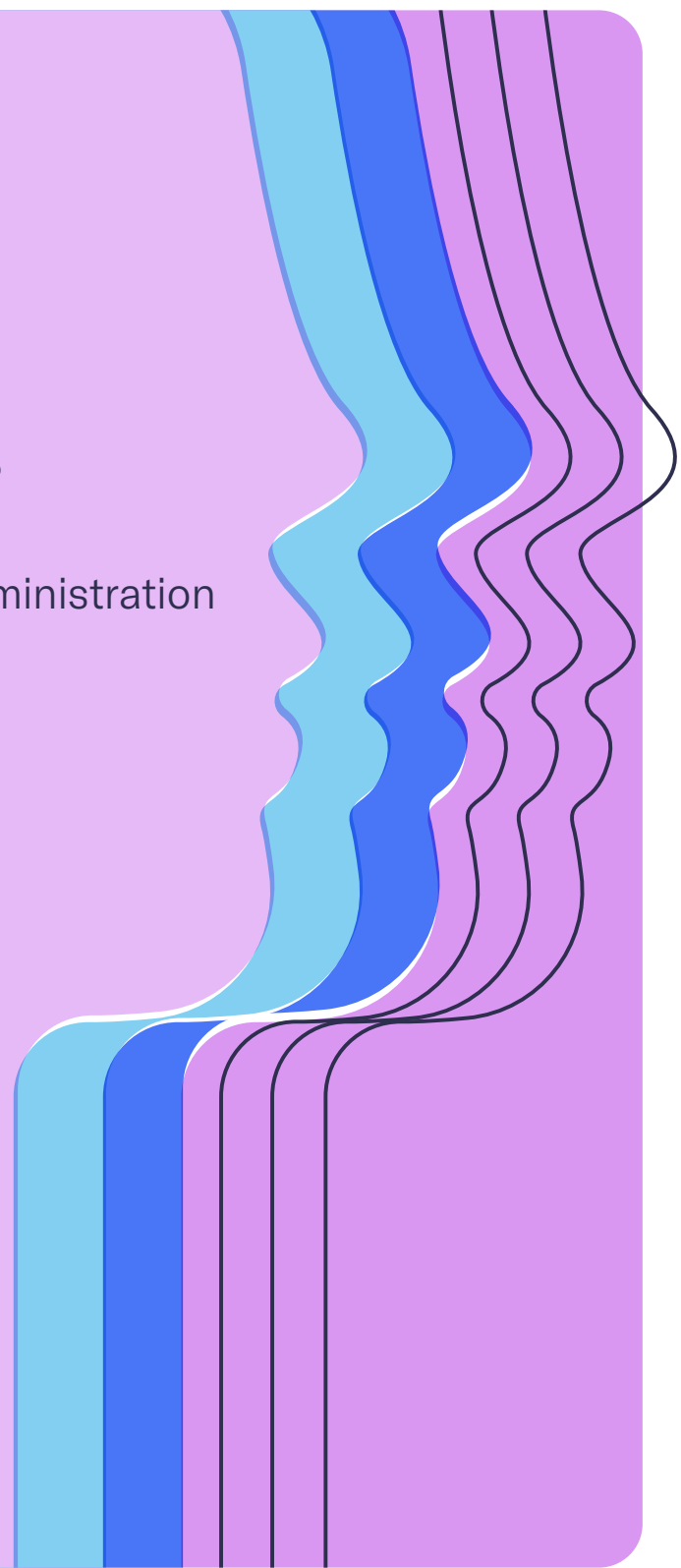




Trustees: the Heart of Social Utility Trusts

Definition, Roles, and Group Administration



Research

Design

Implement

Intended audience

- Social utility trust project owner support staff.
- Project owners.
- Settlers, when drafting the trust deed.
- Trustees, as well as persons asked to be Trustees.
- Anyone in the community who wants to understand the scope and limits of the trustees' powers.

Limit of liability

The information in this publication is for information purposes only and is not intended as advice to readers of their legal rights and obligations. It is based on laws and regulations that may have changed by the time you read it. It may also be inapplicable or not suited to your circumstances. No part of this document should be construed as either a professional opinion or an answer to any particular situation. This information is not intended as a substitute for professional legal advice.



Why be a trustee?

Being a trustee for a social utility trust (SUT) means **agreeing to manage an asset (or assets)** so that the community can benefit from it. It means becoming a steward of tangible or intangible assets and ensuring that they are used in the public interest.

This role, which involves considerable power, also comes with significant responsibilities. Trustees must be loyal, diligent, and accountable. They must accomplish the purpose of the trust and never mix their personal interests with those of the SUT, among others. The power, duties, and responsibilities involved in administering the property of others are largely set out in the *Civil Code of Québec*.

Yet even if a social utility trust is set up in the public interest, that is to say to meet the community's needs and aspirations, and is for the common good, it is subject to very few requirements in terms of democratic governance, transparency, and accountability to the community. It is therefore necessary to define the scope and terms in order to properly frame the trustees' role.

The social economy could be a source of inspiration when developing the scope and terms. So throughout this document, we suggest practices that project owners and settlors can use to adapt collective trustee administration to a social economy context. These suggestions are based on social economy values and principles (democratic governance, transparency, community involvement, territorial anchorage, etc.).

This document will enable future trustees to better understand what their role entails and provide them with ideas and real-world examples. It may also serve as a reference for existing trustees.

So who's ready to become a trustee?

Happy reading!

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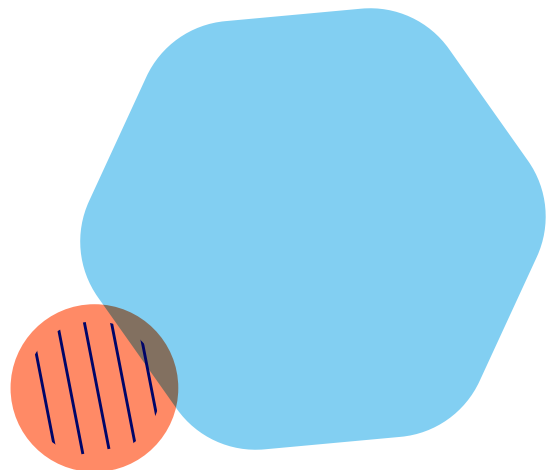
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Reminders

What is a social utility trust?

A social utility trust (SUT) is a means of holding and administering assets in the public interest.

To start an SUT, you need three things.

- 1 **Settlor(s) appropriate an asset (or assets) for a particular purpose** (the intended purpose or goal). This appropriation must be socially useful, i.e., it must serve the public interest, for example, goals of a cultural, educational, philanthropic, religious, or scientific nature. A social utility trust cannot have profit or operation of a business as its primary purpose. The appropriation is recorded in the trust deed.
- 2 **The transfer of these assets** (land, buildings, monetary amounts, copyright, digital data, etc.) by the settlor(s) to an SUT.
- 3 Trustees **agree** to act as administrators and hold the assets.

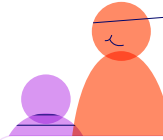


What is a trust deed?

The trust deed (sometimes referred to as the “deed of incorporation” or “incorporating document”) is a trust’s founding document. It states the SUT’s core aspects (appropriation, transferred assets, initial trustees) and the basis for its operation, including how future trustees are appointed, their powers, term duration, etc. Once created and formalized by all parties, the trust deed can only be amended with court approval.

This trust deed is the work of a number of people: project owners, settlors, and original trustees. Community involvement is also desirable at this stage. Seek help from legal professionals to draft this founding document. The trust deed must be notarized, i.e., signed by a notary.

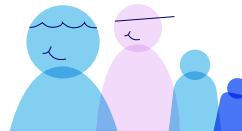
Who are the key players in the creation of an SUT?



Settlors are the persons (or organizations) who transfer one of their assets to the trust, determine its purpose (appropriation), and appoint original trustees.



Trustees are persons appointed by the settlors (or as set forth in the trust deed) to hold and administer the trust so that it achieves its purpose (appropriation). They are the stewards of the SUT.



The SUT community is made up of all people who may benefit from it and those who may be affected by, contribute to, or carry out its activities.

• Part 1

What is a trustee?



Definition

Trustees are responsible for administering trust assets and ensuring that it follows through on its purpose (or appropriation).

Trustees act in an interest that is not their own; trust assets do not belong to them. In law, this mechanism is called the administration of the property of others. Trustees have control of trust assets and can make all necessary decisions and take all necessary steps to achieve a goal in the public interest.

Trustees have duties (things they either must or must not do) and power that they must exercise in the sole interest of the SUT appropriation.

When there are multiple trustees (as there are in most cases), they administer the trust as a group (see section “Administering an SUT as a group?”).

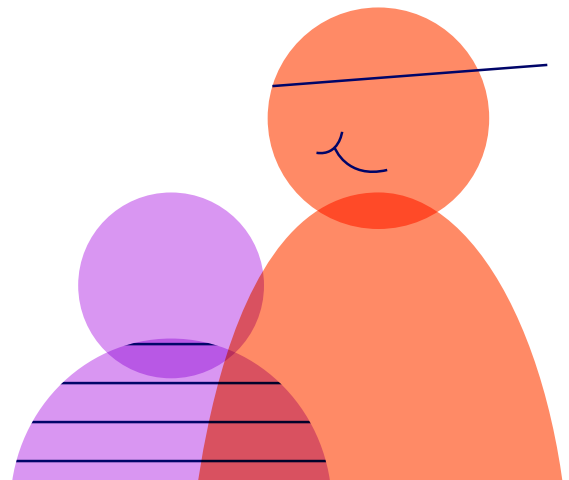
Who can be a trustee?

Only natural persons, i.e., human beings, can be trustees. A legal person (e.g., a business or a municipality) cannot be a trustee of a social utility trust unless authorized by special legislation.

Settlers of a trust may also act as trustees, but may not be the only trustees. Settlers who act as trustees have no more power than other trustees.

Can trustees receive compensation?

The *Civil Code of Québec* does not prohibit the remuneration of trustees or paying them to attend meetings. Based on our observations, trustees are generally not compensated, but they are entitled to reimbursement by the trust of expenses incurred when performing their role. Remuneration and expense reimbursement terms may be set in advance in the trust deed or left to trustees’ discretion.



Trustee duties, powers, and responsibilities (their role)

What are the duties of trustees?

Sections 1306 et seq. of the Civil Code of Québec list trustee duties.



In brief, trustees **must**:

- preserve the property and/or carry out the purpose (appropriation) of the social utility trust (s. 1306)
- act within the limits of the law and the trust deed (s. 1308)
- act with prudence and diligence (s. 1309), which means, for example:
 - attend trustee board meetings
 - have read and analyzed meeting documentation sent in advance
 - use qualified persons, when appropriate
- act honestly and faithfully, “in the best interest” of the purpose pursued (s. 1309)
- declare situations that may cause a conflict of interest (s. 1311)
- Report once a year on their administration (s. 1351)



Trustees **must not**:

- place themselves in situations where their personal interests are in conflict with their obligations as trustees without declaring this to the other trustees (s. 1310)
- purchase or otherwise procure trust property, with certain exceptions (s. 1312)
- be a party to a contract related to trust property, unless they declare their personal financial interest and act in concert with at least one other impartial trustee (s. 1312)
- mix their assets with those of the trust (s. 1313)
- use for their own benefit information or property obtained in the course of their duties (s. 1314)
- give away trust property, unless it contributes to the stated purpose or the property has little value (s. 1315)
- delegate their whole trustee role to a person who is not a trustee (s. 1337)

What powers do trustees have?

Trustees may:

- control and exclusively administer the trust (art. S. 1278, CCQ)
- take any decision or action to achieve the purpose of the trust, unless the law or trust deed prohibits a given action (e.g., sell a specific immovable placed in trust) (s. 1278)
- sell trust assets (unless prohibited by the trust deed), grant real rights (e.g., usufruct), or perform any other necessary or useful act (s. 1307)
- delegate their duties or be represented by someone else for a specific act (e.g., for commercial operation and building maintenance) (s. 1337)

The trust deed may also provide a framework for duties and powers.

The duties and powers mentioned above, and provided for in the *Civil Code of Québec*, apply to all trustees, regardless of the type of SUT and its field of activity. The trust deed may add to these duties or restrict these powers.

Depending on the trust's purpose, it may be useful to state in the trust deed what trustees can or cannot do, in addition to what is mentioned above, while allowing them some leeway. **To properly determine the scope of this framework, consult a legal professional.**

• Example

The trust deed of a housing SUT could grant trustees the power to sell or mortgage certain property held by the trust if—and only if—that sale or mortgage better fulfils the trust's purpose. For example, trustees could sell a parking lot that is SUT property to acquire an apartment building.

On the other hand, the trust deed of that same SUT could prohibit the sale of any real estate.

• Example

The trust deed of a data SUT may prohibit trustees from selling data held in trust. It may also prohibit trustees from giving access to data to certain individuals or types of actors.

Can people other than trustees make decisions?

Trustees may only delegate their administrative responsibilities or the exercise of discretionary powers to other trustees. In other words, the trustees cannot leave decisions they're responsible for to other people. Trustees cannot be trustees while seeking other people's approval of their decisions.

Can trustees delegate their duties?

Trustees may delegate their tasks to other persons (natural or legal) or may be represented by a third party for a specific action (e.g., to manage and maintain a building).

However, even if trustees delegate a given task, they remain responsible for it. That is why, when they are authorized to do so, they must carefully choose the individual to whom they delegate a task. Mandates like this may be given in writing and be notarized or signed before a witness or witnesses. In all cases, specific instructions should be given.

Are trustees personally responsible for SUT assets?

Since the SUT is not a legal person (unlike a nonprofit or cooperative), the assets it holds are in the name of the trustees. What does this mean? For example, in the case of a housing SUT, tenants who want to challenge rent increases would have to send their disputes to the trustees by naming them personally. Such challenges are addressed to the trustees, in their capacity as trustees, and not to the SUT. Also, if a trust property is sold, the actual seller is the group of trustees and not the SUT.

What is the trustee's responsibility in cases of maladministration?

An important aspect of the trust is that it makes trustees responsible for its administration. The purpose of the trust limits the actions and decisions that trustees can take. Trustees must make decisions and act in accordance with this purpose. If they do something else and make decisions that go against the trust's purpose, they become personally liable for their actions and can be sued. This is also the case if trustees fail to exercise due diligence and prudence when they use their powers.

It is therefore important for trustees to familiarize themselves with and thoroughly understand the duties mentioned above and the powers conferred upon them in the trust deed. If in doubt, ask a legal professional about situations where trustees could be personally liable.

Breaches for which a trustee may be held personally liable include:

- failure to display behaviour expected of a trustee (loyalty, honesty, diligence, and prudence)
- failure to perform a specific duty listed in the trust deed
- committing the trust to a third party (e.g., a trustee who hires a service provider) without having the power to do so under the trust deed

Tools to be provided by settlors

In order to help the players involved understand trustee duties and powers, settlors can provide a fact sheet that summarizes the decisions and actions that trustees may or may not take in a particular case.

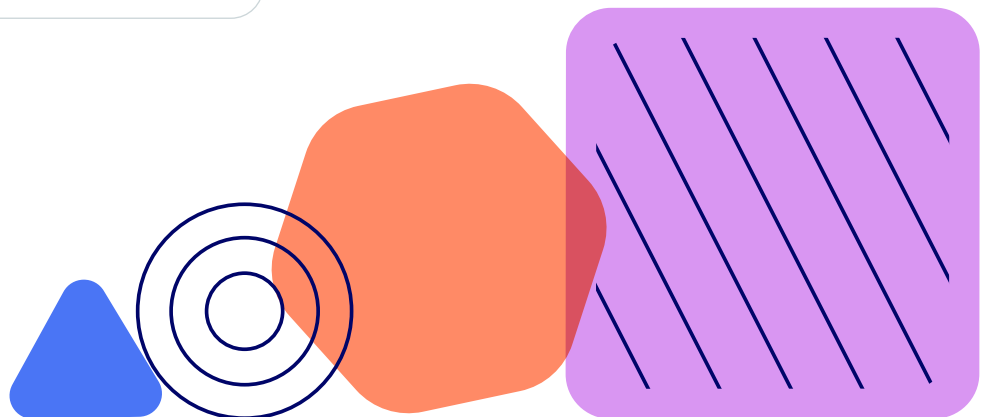
What liability does a trustee bear for decisions made by the other trustees?

Trustees are jointly and severally liable for their administration. In legal terms, solidarity between trustees means that **a person who finds a breach by the trustees**, or a third party who suffers damage as a result of this decision, **can sue any trustee individually, regardless of who made the decision, even if the trustee in question opposed it**. It is then up to the sued trustee to find a solution with the other trustees in order to resolve this situation, which may lead to other lawsuits, this time between trustees. Trustees who are sued for decisions for which they expressed dissent could, for example, choose to sue their peers.

If the trust deed provides for a division of duties (for example, one trustee in charge of accounting), then each trustee only bears responsibility for their own administration.

How to reduce risk for trustees?

Trust deeds commonly contain clauses that provide for trustee indemnification in the event of a lawsuit (particularly to pay legal costs, such as professional fees) or the duty to obtain liability insurance. These clauses provide some protection for trustees, since they are responsible for their own decisions and actions. For more information on the risks faced by trustees and ways to mitigate them, consult a legal professional.



Choosing trustees

How many trustees does a trust need?

The number of trustees depends on the context of a given SUT.

A specific number of trustees may be stated in the trust deed. You can make this requirement flexible by stating that there must be at least five, seven, or nine trustees. This enables the trust to evolve based on its needs and resources. In other cases, the trust deed may state that current trustees may, at any time, unanimously increase their number from, for example, seven to nine.

To facilitate majority decision-making, it's better to have an odd number of trustees.

Ideas from the social economy

According to the [Gouvernance démocratique – OBNL](#) toolkit (FR - democratic nonprofit governance toolkit) from the Comité sectoriel de main-d'œuvre de l'économie sociale et de l'action communautaire (CSMO-ESAC) (Social economy and community action labor sector committee), the ideal number of directors is the one that makes it possible to form a real team. It also states that the maximum number of trustees is 11. With more trustees, it's more difficult to schedule meetings that everybody can attend and to reconcile different points of view. Discussions also take more time. These guidelines, while written for nonprofit and cooperative boards of directors, are also useful in setting the number of trustees for an SUT.

How are trustees appointed?

There is no single model for appointing trustees. As stated in the *Civil Code of Québec*, original trustees (sometimes also called "initial trustees") are chosen by the settlor(s) and are named in the trust deed.

The method of selecting and appointing future trustees is usually set forth in the trust deed or in a by-law, if applicable. Nevertheless, it is worth noting the advantage of a by-law: it can evolve and be adapted internally, whereas a trust deed can only be amended in court.

Ideas from the social economy

To evolve towards democratic governance, power must truly be shared between stakeholders and the SUT community, and all parties must embrace transparency and accountability.

Here are some examples of how trustees are appointed that feature broad community participation. Trustees could be individuals:

- appointed by stakeholders
- elected by electoral colleges
- appointed by a community assembly

In the social economy, democratic governance stimulates development of participatory processes and mechanisms that go far beyond a mere annual general meeting (AGM) vote. To learn more about democratic governance of social economy organizations, both [TIESS](#) and [CSMO-ESAC](#) have published resources (in French) on the subject. These resources are meant for social economy enterprises but can be useful when brainstorming ways to appoint trustees. You can also invent new mechanisms or use several nomination methods for SUTs. Our booklet [Collective Governance of Social Utility Trusts](#) delves deeper into these strategies.

What qualities should a trust look for in a trustee?

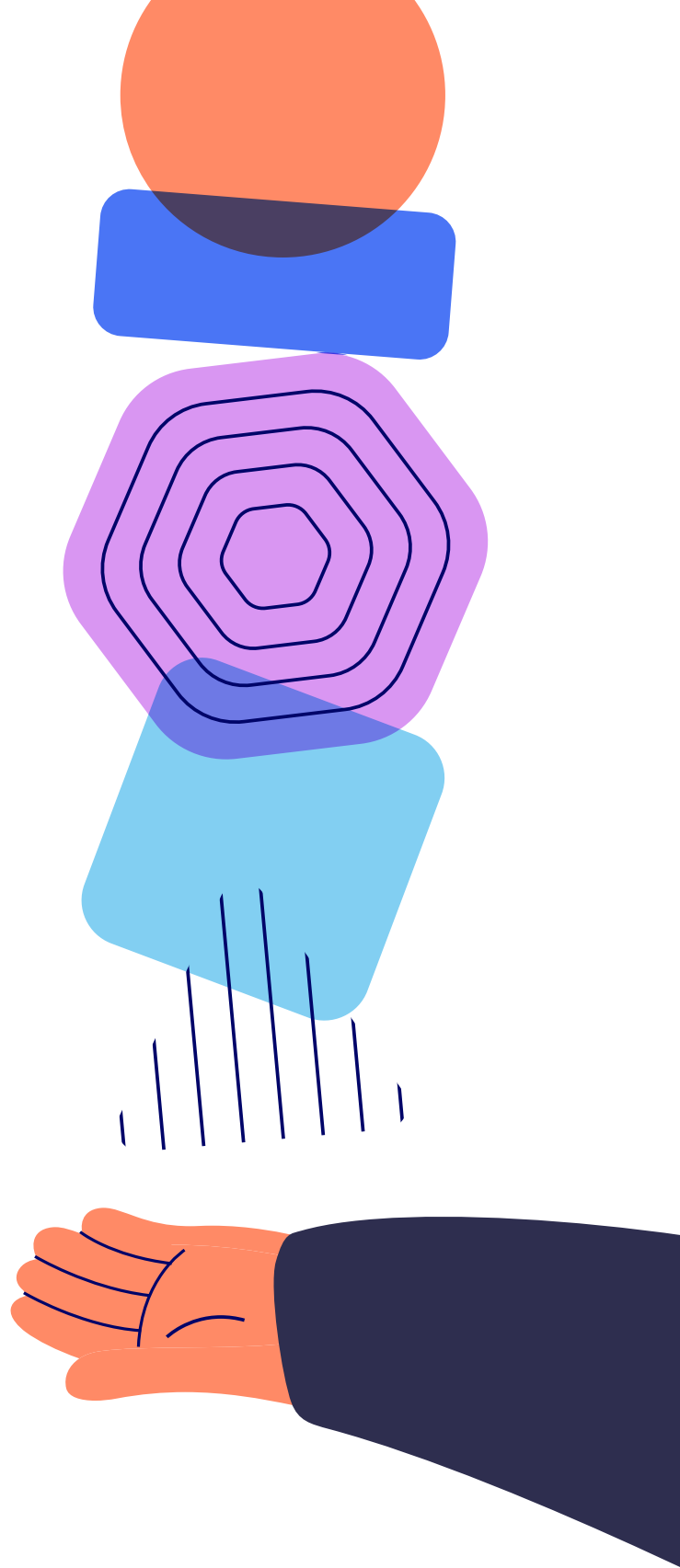
The trust deed (or the internal by-law) may include criteria (as required) for selecting trustees such as:

- their place of residence
- their qualifications or the skills the trust needs
- membership in a professional organization, if relevant
- a prohibition against multiple (conflicting) roles, such as being both a trustee and a trust user

Trustees may also be selected to find balance between diverse perspectives, expertise, skills, and gender representation. Recruiting younger trustees (under 35) may also be a good idea.

Once needs are identified, it will be easier to determine the types of candidates required to fill these trustee positions. In any case, it may benefit the trust to set up a training program specifically for new trustees, or even a mentoring program that pairs new and experienced trustees to reduce the knowledge gap between them.

Regardless of how trustees are appointed, the trust deed must state that there will be at least one impartial trustee (also known as a “third party trustee”) at all times, a person who is not motivated by personal financial benefit and who has no direct right to the property (s. 1275 CCQ).



Tenure and end of term

How long does a trustee's mandate last?

The *Civil Code of Québec* does not set any limits on the length or number of terms a trustee can have. In rare cases, trustees have even been appointed for life! It is therefore a good idea to include these two factors in the trust deed.

There is also no requirement that trustee terms end at the same time. The trust deed or by-laws may provide for a system of staggered terms to ensure greater continuity in the organization.

In general, if a new trustee is not appointed by the scheduled date, the term of the current trustee continues until a new trustee is appointed.

• Example

Trustees may be appointed for two-year terms. However, during the first two years after the trust is created, half the trustees will have one-year terms. Their terms could then be renewed for two-year terms, if applicable, in accordance with trust administration rules.

Ideas from the social economy

The CSMO-ESAC *Gouvernance démocratique – OBNL* toolkit (FR - democratic nonprofit governance toolkit) addresses certain risks of not limiting the number of consecutive terms that a person may serve as an administrator. These include risks of making other members (current or potential) less inclined to get involved, learn, share expertise, and play an active role. This risk also applies to trustees.

Best practices can be found in legislation governing cooperatives and nonprofits. In the case of co-ops, a director's term is limited to one year unless the by-laws state otherwise. However, it may not exceed three years. Nonprofit board member terms are two years but can be renewed, unless the by-laws state otherwise.

Can trustees resign?

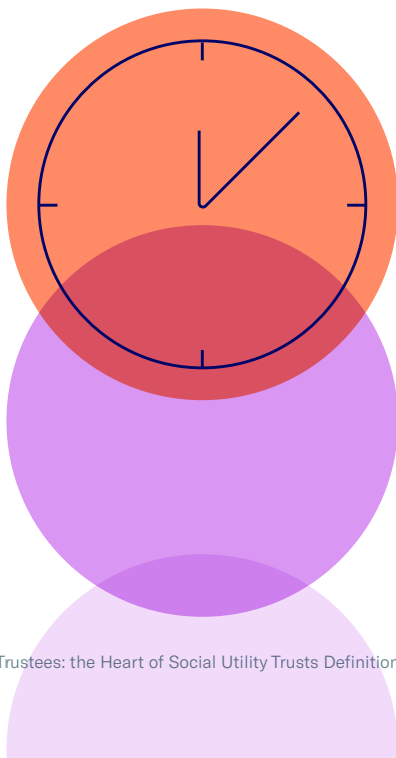
After agreeing to act as a trustee, a person may quit this role by notifying the other trustees (and any person designated in the trust deed as needing to know of this resignation) in writing. This resignation should be duly recorded in the trust's records. It takes effect on the date written notice was received or on a later date specified in the notice. Again, the trust deed may set out specific terms and conditions for a trustee to resign.

When does a trusteeship end?

The *Civil Code of Québec* (s. 1355) states that the trustee role ends in the following situations:

- trustee dies
- trustee resigns
- trustee is replaced
- trustee declares bankruptcy
- trustee is declared unfit

The trust deed may list other situations, such as the end of a term after a certain number of years or removal from office. In the latter case, there must be a clear removal mechanism.



- Part 2

How does a group administer an SUT?

An SUT can operate with only one trustee. In practice, however, most SUTs observed are administered by a group, that is, several trustees participate in working towards the purpose set forth in the trust deed. These people must be appointed and make decisions and act collectively. They also sometimes assign roles and delegate certain tasks.

Collective administration of SUTs simply means that there are several trustees who must make decisions together. This does not automatically ensure that SUTs are democratic, since only trustees are involved in collective administration. Users, contributors, and those affected by the SUT are not. To rectify this, it is crucial to implement mechanisms that enable community involvement and to move towards democratic governance (see our booklet *Collective Governance of Social Utility Trusts*).



Be careful!

Board of trustees and board of directors

The terms “board of trustees” and “college of trustees” are often used in practice to refer to the collective administration of an SUT. The term “board of trustees” comes from an analogy with the board of directors of a co-op or nonprofit. However, while there may be similarities between a board of directors and a group of trustees, note that trustees are required to meet additional expectations as well as a higher standard of care (refer to first section for details), so we have to use that analogy with caution.

Taking decisions and action as a group of trustees

How do trustees make decisions?

The *Civil Code of Québec* states that trustees make decisions by majority vote unless the trust deed states otherwise (s. 1332). They can choose other types of majority (e.g., by percentage of votes). Decisions can also be made unanimously or by consent. The trust deed may also stipulate different methods of making decisions that depend on the type of decision (e.g., to adopt or amend a by-law).

A trustee is presumed to have approved decisions made by the other trustees, even in the first trustee’s absence (s. 1335-1336 CCQ). If a trustee disagrees with a decision made by the other trustees, the dissenting trustee must voice opposition during the meeting where the decision is made (or within a reasonable time if the decision is made in the dissenting trustee’s absence) and ensure that the dissent is recorded in the minutes.

Depending on the circumstances, a duly recorded dissent may limit the personal liability of the dissenting trustee, and thus offer protection in the event of a lawsuit (see [What liability does a trustee bear for decisions made by the other trustees?](#) on page 9).

What are the basics of good decision-making?

To make decisions based on the SUT's interest, trustees must have access to relevant information so they can understand and analyze the issues on which they must vote. That's why mechanisms must be created to enable the effective flow of information to (and its uptake by) all trustees.

Different means can be put in place. For example: all information relevant to the SUT and the trustees' role can be put in a shared digital file; the contents of certain files can be written in plain language; and trustees can email one another between meetings.

Reaching decisions and acting as one also requires discussion among trustees, so they must schedule time to talk and set rules for discussion.

To ensure that all trustees, including new trustees, are on the same page, it may be useful for them to have a "trustee handbook" that can include a history of discussions, reasoning, and decisions.

• Example

Every year, the trustees of the Fiducie du patrimoine culturel des Augustines adopt a guide that is used for day-to-day administration of the trust. It contains the trust's mission; trustee roles, duties, and responsibilities; and the operation of the trust. The governance and strategy committee, whose members are trustees, updates this guide annually and ensures all trustees, especially new ones, take ownership of it.

Ideas from the social economy

How can the community be involved in decision-making?

There are many mechanisms an SUT can use to move towards democratic governance. These engagement mechanisms are detailed in our booklet *Collective Governance of Social Utility Trusts*.

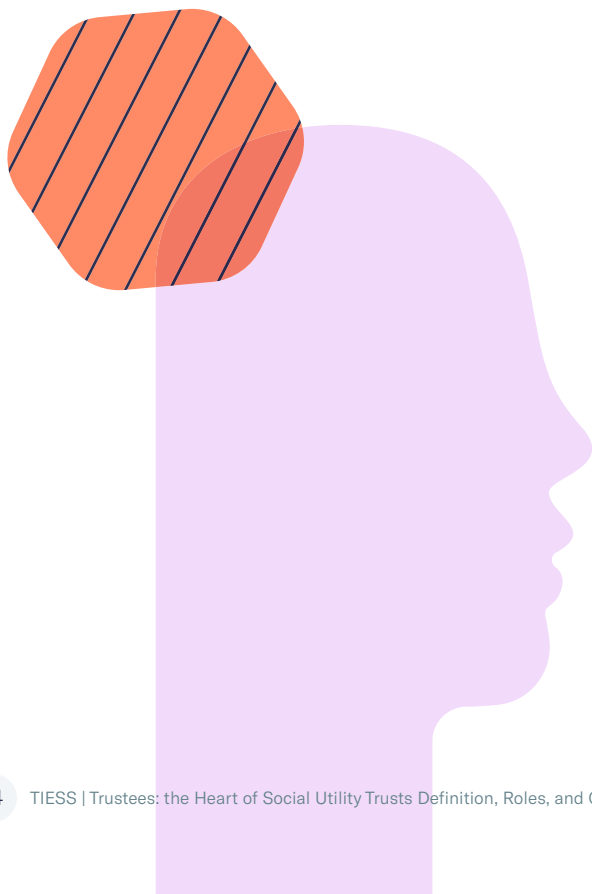
Assigning specific roles

In order to lighten the decision-making burden and the trustee workload, you can assign functions to them, bring them together in small committees or delegate certain tasks.

Can trustees assign specific tasks or responsibilities to themselves?

The *Civil Code of Québec* does not stipulate any division of duties between trustees. Each trustee has the same duties and tasks as the others. Nevertheless, "officer" positions such as president, vice-president, secretary, and treasurer are commonly seen in groups of trustees. In practice, when elected to these positions, these people are assigned specific tasks.

In a small trust where the number of trustees is limited, it is not uncommon for these responsibilities to be shared among the trustees, or for them to alternate from one session to the next.



Can trustees appoint an executive committee?

As with officer positions, the creation of an executive committee is not mandatory, though SUTs with a large number of trustees usually choose to create one. The added value of an executive committee can be assessed in advance. Generally, SUTs establish executive committees to be more efficient and save time during meetings between trustees.

Some SUTs that set up an executive committee later disband it. That's what the *Domaine Saint-Bernard Trust* did. There were two reasons for doing so. Trustees wanted to both remove a body that stood between themselves and executive management and encourage the active involvement of all trustees regardless of their status on the committee. The trustees say this makes them feel more involved, particularly because they are genuinely involved in decision-making, regardless of how important that decision is. Finally, trustees also say this new way of doing things enables a better flow of information and better ownership of the trust files by everyone.

Ideas from the social economy

Given that the *Civil Code of Québec* does not set out any conditions for the creation of an executive committee, it is important to clearly determine the mandate of this body should it be created, including its powers and the way in which it reports its decisions to trustees. The CADM-ESAC lists tasks broken down by officer position in its [Gouvernance démocratique – OBNL](#) toolkit (FR - democratic nonprofit governance toolkit) that you can use for ideas.

Tools for trustees

If an SUT chooses to create officer positions, an executive committee, or other types of committees, it may be helpful for trustees to have an organizational chart that shows the roles, duties, and responsibilities of each position and committee established.

Can trustees form other committees?

Trustees are free to administer as they see fit, so they can form any committee—permanent or ad hoc—that is useful for the collective administration of the trust.

Furthermore, if the trust deed provides for the existence of committees, the trustees must set them up and use them.

In all cases, a summary report of the work, reasoning, or recommendations of the various committees is generally made at each trustee meeting. According to established rules, the proposals of these committees must usually be ratified by all the trustees.

• Example

Leasing committee

The trustees of the *FUSA de Vallons-d'En-Haut* set up an ad hoc committee whose mandate is to propose different types of leases based on the types of activities that will take place on trust land. Once the types of leases were approved by trustees, the committee drafted templates that were then reviewed by an external expert. Once its mandate is fulfilled, this committee will be dissolved.

Ideas from the social economy

Can certain committees include people who are not trustees?

To create an SUT that adheres more closely to social economy practices, you need community involvement that goes beyond mere consultation. To move the SUT in this direction, create statutory committees (i.e., that are provided for in the trust deed) or ad hoc committees made up of trustees and community members. To learn about several types of joint committees, see our booklet *Collective Governance of Social Utility Trusts*.

A joint committee could also include individuals with specific expertise related to SUT activities.

• Part 3

How do you oversee trustees?

Since trustees control trust assets, it is crucial to implement mechanisms to ensure that they properly carry out their role and act in accordance with the law and the trust deed.

Staying informed of trustee decisions and actions

How do I know what's going on in an SUT?

If any interested person may take the matter to court* should trustees not adhere to the trust's stated purpose (appropriation), a minimum amount of information on the administration and the trustees must be accessible.

In this regard, the *Civil Code of Québec* outlines certain trust administration oversight and control measures.

* Since each case is unique, the parameters and resources required (including money and time) to access the courts vary. Anyone who wishes to initiate court proceedings should consult a legal professional to learn more.

First of all, trustees must report on their management at least once a year (s. 1351 CCQ). This report must be detailed enough so it can be checked for accuracy. The trust deed must specify:

- 1 how the report is created
- 2 the report's exact content
- 3 to whom it is addressed
- 4 in what form it is made public

This process can be adapted by providing a two-pronged reporting approach, a more detailed report for a committee and a more general version for the public. See our booklet *Collective Governance of Social Utility Trusts*.

The trust deed may also state that any interested person may inspect SUT books of accounts, minutes, and supporting documentation.

• Example

Governance committee

An SUT trust deed may provide for the creation of a committee to oversee trust governance and advise trustees on certain decisions. This committee may be composed of trustees, representatives of organizations, and users of the trust. An appointment process may be provided for in the trust deed, or it may be left to the discretion of the trustees, who set up this process and ensure that it is made public. See our booklet *Collective Governance of Social Utility Trusts*.

How do you know who the trustees are?

Basic information about the trust (such as the identity of the trustees, an address where they or the trust can be contacted, and their field of activity) is not recorded in any mandatory public registry. For greater transparency, the trust deed may stipulate that trustees are required to make certain information about themselves public, including their identity and address.

If the trust is registered as a charity, the public can access a certain amount of information about the trust through data available on the Canada Revenue Agency (CRA) website. Some information can also be obtained on SUTs that maintain business activity and are registered with Québec's Enterprise Register.

Responding to non-compliance

How do you handle mismanagement?

When trustees do not act or appear to not act in the best interests of the trust, settlors, or any interested persons can take the following steps:

- 1 Report the situation to trustees.
- 2 Report the situation to a committee responsible for reviewing trustee decisions and actions. This committee may then make recommendations to trustees or, if necessary, remove them from office in accordance with a pre-established procedure. This removal mechanism must be set forth in the trust deed.
- 3 Use an arbitrator to settle the matter. Arbitration can lead to a faster resolution than going to court, but it also entails significant costs.

What are the legal remedies for mismanagement?

If necessary, settlors or any interested persons may take the following actions:

- 1 Take legal action against trustees to:
 - a. compel them to carry out their obligations
 - b. take any action necessary to protect trust assets
 - c. prevent them from committing an act that harms the trust
 - d. remove them from office
- 2 Challenge trustees in court for actions that do not respect the purpose of the trust or the trust deed
- 3 Take legal action on behalf of the trustees, with leave of the Court, when they refuse or neglect to act or are prevented from acting

Since the law provides these mechanisms, there is no need to add them to the trust deed.

Ready to continue your research?

A selection of resources is available to help you better understand certain concepts in this tool, to help you think through the matter, and to provide concrete suggestions that meet your needs.

Research

Design

Implement

Documents to read (as applicable) during a project's ideation stage



Data Partnerships: An Introduction



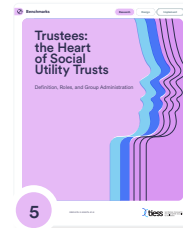
Business Models for Data Partnerships



The Social Utility Trust: A Path to Data Partnerships



Collective Governance of Social Utility Trusts: Four Community Engagement Strategies



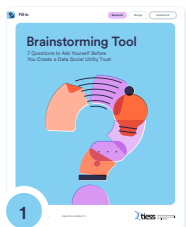
Trustees: the Heart of Social Utility Trusts: Definition, Roles, and Group Administration

Research

Design

Implement

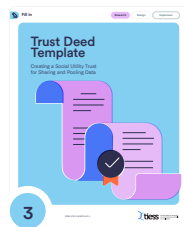
Useful tools to help you create a data social utility trust (FR) or a social utility trust (FR)



Brainstorming Tool: 7 Questions to Ask Yourself Before You Create a Data Social Utility Trust



Decision Support Tool: Questions and Exercises to Help You Design Your Data Social Utility Trust Deed Together



Trust Deed Template: Creating a Social Utility Trust for Sharing and Pooling Data



Brainstorming Tool: 9 Questions to Ask Before Creating a Social Utility Trust



Decision Support Tool: Questions and Exercises to Design Your Social Utility Trust Deed Together

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These documents will all still be useful after the social utility trust (SUT) has been created. After all, the SUT is a flexible and evolving tool. You may need to review its business model, certain ways of doing things, or the level of community involvement, when possible.

Did you find this booklet useful?
Do you have any suggestions for improvement?
Please complete our [feedback form](#) (FR).

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Contributions

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Québec 



Canada 



Montréal 

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About

TIESS

Territoires innovants en économie sociale et solidaire (TIESS) is a social innovation liaison and transfer body recognized by Ministère de l'Économie, de l'Innovation et de l'Énergie (MEIE). It unites numerous stakeholders in the social and solidarity economy and territorial development, as well as research centres, universities, and colleges. TIESS contributes to territorial development by equipping social and solidarity economy organizations so that they can transform their practices and face social challenges in innovative ways. Discover our other resources: tiess.ca