

## Incorporation

Nonprofits may decide to incorporate their organizations. The Province of Ontario notes that “Incorporating offers certain advantages to the incorporators and their successors but at the same time it also places certain responsibilities upon them. Before proceeding with incorporation, you should give the matter serious consideration. In this regard you may wish to consult a lawyer who has experience in corporate matters.” In general, incorporation, while it still demands due diligence and effective performance from Board members, does provide some degree of legal protection. Nevertheless, it also comes with organizational and reporting requirements and an incorporation fee must be paid. Consider incorporation carefully.

If you decide you wish to incorporate, it is possible to incorporate either federally or provincially. Most nonprofits in Ontario incorporate provincially (organizations operating on a national or inter-provincial basis may wish to consult Industry Canada to determine if they should incorporate federally.)

The Ministry of the Attorney General provides resources for nonprofit organizations seeking to incorporate on its website. Application forms and Information sheets can be found [here](#) and you can also download a [Not-for-Profit Incorporator’s Handbook](#) from this site. You will also require what is referred to as a NUANS which is a name search (a small fee must be paid for this) that must be completed so as to ensure that your organization is not already using a name that someone else is. Name searches can be arranged through a number of service providers who can be found on the web – just type in NUANS Ontario into the search box on your browser. Information on the NUANS can also be found [here](#).

HOWEVER, before deciding to incorporate, be aware that some time in 2014 a new Ontario Not-for-Profit Corporations Act comes into effect that could have significant impact on decisions you might make with regard to your incorporated organization. You may wish, therefore, to wait until the new Act comes into force prior to incorporating so that you do not need to make changes later.

Good luck!