



Financial Statements

Ecojustice Canada Society

October 31, 2022

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Independent Auditor's Report

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To the Members of
Ecojustice Canada Society

Report on the audit of the financial statements

Opinion

We have audited the financial statements of Ecojustice Canada Society, which comprise the statement of financial position as at October 31, 2022, and the statements of revenues and expenses, changes in net assets, and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the society as at October 31, 2022, and its results of operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Basis for opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the society in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of management and those charged with governance for the financial statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the society's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the society or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the society's financial reporting process.

Auditor's responsibilities for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements. As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the society's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the society's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the society to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Report on other legal and regulatory requirements

As required by the Societies Act of British Columbia, we report that, in our opinion, these financial statements were prepared on a basis consistent with that applied in preparing the financial statements of the preceding year.

Vancouver, Canada
March 28, 2023



Chartered Professional Accountants

Ecojustice Canada Society

Statement of Financial Position

October 31

2022

2021

Assets

Current

Cash and cash equivalents	\$ 507,380	\$ 287,896
Short-term investments (Note 3)	6,119,231	3,660,650
Receivables	160,377	90,563
Prepaid expenses	<u>78,629</u>	<u>40,340</u>
	6,865,617	4,079,449
Long-term investments (Note 3)	2,200,963	2,426,895
Restricted investment (Note 3)	268,823	362,048
Property and equipment (Note 4)	567,554	702,390
Security deposits	<u>51,233</u>	<u>72,421</u>
	<u>\$ 9,954,190</u>	<u>\$ 7,643,203</u>

Liabilities

Current

Accounts payable and accrued liabilities	\$ 256,137	\$ 126,416
Deferred contributions (Note 5)	<u>1,319,382</u>	<u>1,528,517</u>
	1,575,519	1,654,933
Deferred lease inducement	<u>252,097</u>	<u>301,622</u>
	<u>1,827,616</u>	<u>1,956,555</u>

Net assets

Internally restricted (Note 6)	2,100,222	2,100,222
Invested in property and equipment	567,554	702,390
Unrestricted	<u>5,458,798</u>	<u>2,884,036</u>
	<u>8,126,574</u>	<u>5,686,648</u>
	<u>\$ 9,954,190</u>	<u>\$ 7,643,203</u>

Commitments (Note 9)

On behalf of the board

 Director

 Director

Ecojustice Canada Society

Statement of Revenues and Expenses

Year ended October 31

2022

2021

Revenue		
Donations	\$ 6,890,168	\$ 5,328,520
Bequests	3,321,683	823,850
Grants	2,616,778	1,854,024
Contribution from University of Ottawa	100,000	100,000
Cost award and recoveries and other	9,901	87,884
Investment (loss) income	<u>(372,208)</u>	<u>55,789</u>
	<u>12,566,322</u>	<u>8,250,067</u>
Expenses		
Salaries and compensation (Note 10)	6,672,829	5,486,484
Facilities and office	1,284,529	1,215,136
Contracts	589,545	446,460
Public education	409,846	315,918
Fundraising	398,711	391,321
Travel	252,838	9,519
Litigation and program support	243,496	237,351
Amortization of property and equipment	163,142	169,150
Human resources	91,937	67,878
Science and research	<u>19,523</u>	<u>25,114</u>
	<u>10,126,396</u>	<u>8,364,331</u>
Excess (deficiency) of revenue over expenses	<u>\$ 2,439,926</u>	<u>\$ (114,264)</u>

Ecojustice Canada Society

Statement of Changes in Net Assets

Year ended October 31

	Internally Restricted	Invested in Property and Equipment	Unrestricted	Total 2022	Total 2021
Balance, beginning of year	\$ 2,100,222	\$ 702,390	\$ 2,884,036	\$ 5,686,648	\$ 5,800,912
Excess (deficiency) of revenue over expenses	-	(163,142)	2,603,068	2,439,926	(114,264)
Property and equipment purchases	<u>-</u>	<u>28,306</u>	<u>(28,306)</u>	<u>-</u>	<u>-</u>
Balance, end of year	<u>\$ 2,100,222</u>	<u>\$ 567,554</u>	<u>\$ 5,458,798</u>	<u>\$ 8,126,574</u>	<u>\$ 5,686,648</u>

See accompanying notes to the financial statements.

Ecojustice Canada Society

Statement of Cash Flows

Year ended October 31

2022

2021

Increase (decrease) in cash and cash equivalents

Operating

Excess (deficiency) of revenue over expenses	\$ 2,439,926	\$ (114,264)
Items not affecting cash		
Amortization of property and equipment	163,142	169,150
Unrealized loss on investments	<u>464,402</u>	<u>43,003</u>
	3,067,470	97,889
Change in non-cash operating working capital		
Receivables	(69,814)	49,854
Prepaid expenses	(38,289)	46,940
Security deposits	21,188	-
Accounts payable and accrued liabilities	129,721	(149,626)
Deferred contributions	(209,135)	1,101,848
Deferred lease inducement	<u>(49,525)</u>	<u>(38,351)</u>
	<u>2,851,616</u>	<u>1,108,554</u>

Investing

Purchase of investments	(2,603,826)	(1,071,178)
Purchase of property and equipment	<u>(28,306)</u>	<u>(79,224)</u>
	<u>(2,632,132)</u>	<u>(1,150,402)</u>

Increase (decrease) in cash and cash equivalents

219,484 (41,848)

Cash and cash equivalents

Beginning of year	<u>287,896</u>	<u>329,744</u>
End of year	<u>\$ 507,380</u>	<u>\$ 287,896</u>

Ecojustice Canada Society

Notes to the Financial Statements

October 31, 2022

1. Purpose of the Society

Ecojustice Canada Society (the “society”) is a not-for profit charitable organization that uses the law to protect and restore Canada’s environment. From coast to coast, the society’s groundbreaking lawsuits protect wilderness and wildlife, take aim at dirty energy projects and keep harmful chemicals out of the air, water and soil Canadians depend on. The society’s lawyers represent community groups, non-profits, First Nations, and individual Canadians on the frontlines of the fight for environmental justice. The society is incorporated pursuant to the Societies Act of British Columbia. The society is registered with Canada Revenue Agency as a charitable organization and as such, is exempt from income taxes.

The society has maintained its status as an accredited organization with Imagine Canada, which allows the society to use the Standard Programs Trustmark on their communications. The goal of the Imagine Canada Standards Program is to increase the transparency of charities and nonprofits to strengthen the public confidence in individual charitable and nonprofit organizations, as well as the sector as a whole by improving the processes in five foundational areas: board governance, financial accountability and transparency, fundraising, staff management, and volunteer involvement.

2. Summary of significant accounting policies

Basis of presentation

These financial statements have been prepared in accordance with Canadian accounting standards for not-for-profit organizations.

Cash and cash equivalents

Cash and cash equivalents include cash on hand and short-term deposits which are highly liquid with original maturities of less than three months at the date of acquisition.

Revenue recognition

The society follows the deferral method of accounting for contributions. Contributions are recorded as revenue when received or receivable except when the donor has specified that they are intended for a specific use or a future period, in which case they are deferred and recognized in the period the related expenditures are incurred.

The society recognizes investment income as it is earned.

The society's right to litigation cost award and recoveries is determined on an individual case basis as determined by the Courts. Recoveries are recognized as revenue at the time the determination is made and collection is reasonably assured.

Ecojustice Canada Society

Notes to the Financial Statements

October 31, 2022

2. Summary of significant accounting policies (continued)

Donations-in-kind and contributed services

The society occasionally receives donated assets. Donated assets are recorded at the estimated fair market value in cases that the fair value can be reasonably determined.

The society benefits greatly from contributed services in the form of volunteer time for various activities. The value of contributed services is not recognized in these financial statements as their fair value cannot be reasonably determined.

Property and equipment

Property and equipment are recorded at the original cost amount less accumulated amortization. Amortization is recorded over the estimated useful lives of the respective assets, using the following methods and rates:

Leasehold improvements	Term of lease	Straight-line
Office equipment	20%	Declining balance
Computer equipment	30%	Declining balance
Software	30%	Declining balance

Property and equipment are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount of an asset may not be recoverable and exceeds its fair value.

Deferred lease inducement

Deferred lease inducements are amortized on a straight-line basis over the lease term.

Foreign currency translation

Monetary assets and liabilities denominated in foreign currencies are translated at the year end exchange rates. Revenues and expenditures denominated in foreign currencies are translated using the average exchange rate. Exchange gains and losses, if any, are recognized in the statement of revenues and expenses.

Financial instruments

Financial assets and financial liabilities are recorded at fair value on initial recognition. Equity instruments that are quoted in an active market are subsequently measured at fair value. All other financial instruments are subsequently measured at cost or amortized cost. Financial assets measured at amortized cost include cash and cash equivalents, term deposits, and receivables. Financial liabilities measured at amortized cost include accounts payable and accrued liabilities. Financial assets measured at fair value include investments in equity and fixed income securities.

For financial assets measured at amortized cost, the society regularly assesses whether there are any indications of impairment. If there is an indication of impairment, and the society determines that there is a significant adverse change in the expected timing or amount of future cash flows from the financial asset, it recognizes an impairment loss in the statement of revenues and expenses. Any reversals of previously recognized impairment losses are recognized in operations in the year the reversal occurs.

Ecojustice Canada Society

Notes to the Financial Statements

October 31, 2022

2. Summary of significant accounting policies (continued)

Use of estimates

The preparation of the financial statements requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the reporting period. Actual results could differ from those estimates.

3. Investments

The society invests the majority of its financial resources in interest bearing securities with varying maturity dates.

	<u>2022</u>	<u>2021</u>
Fixed income securities	\$ 5,367,122	\$ 2,801,816
Term deposits	<u>752,109</u>	<u>858,834</u>
Total short-term investments	<u>6,119,231</u>	<u>3,660,650</u>
Cash	555,995	23,680
Equities	361,760	449,385
Fixed income securities	<u>1,283,208</u>	<u>1,953,830</u>
Long-term investments	<u>2,200,963</u>	<u>2,426,895</u>
Restricted investment (Note 5)	<u>268,823</u>	<u>362,048</u>
	<u>\$ 8,589,017</u>	<u>\$ 6,449,593</u>

4. Property and equipment

			<u>2022</u>	<u>2021</u>
	<u>Cost</u>	<u>Accumulated Amortization</u>	<u>Net Book Value</u>	<u>Net Book Value</u>
Leasehold improvements	\$ 1,060,195	\$ 618,679	\$ 441,516	\$ 558,653
Computer equipment	821,818	740,900	80,918	89,672
Office equipment	366,450	321,582	44,868	53,706
Software	<u>116,899</u>	<u>116,647</u>	<u>252</u>	<u>359</u>
	<u>\$ 2,365,362</u>	<u>\$ 1,797,808</u>	<u>\$ 567,554</u>	<u>\$ 702,390</u>

Ecojustice Canada Society

Notes to the Financial Statements

October 31, 2022

5. Deferred contributions

	<u>2022</u>	<u>2021</u>
Balance, beginning of year	\$ 1,528,517	\$ 426,669
Contributions received during the year	3,097,548	3,332,348
Amount recognized as donations during the year	(689,905)	(376,476)
Amount recognized as grants during the year	<u>(2,616,778)</u>	<u>(1,854,024)</u>
	<u>\$ 1,319,382</u>	<u>\$ 1,528,517</u>

As at October 31, 2022, included in deferred contributions is an externally restricted contribution of \$350,000 plus realized and unrealized gains and losses (2022: loss of \$93,225; 2021: gain of \$12,048) that must remain in an untouched portfolio until December 31, 2022. Following this, the society's operation costs and cash flow can, in part or in whole, be sustained from this fund. At this time, the deferred contribution and any investment income attributable to it will be recognized into revenue consistent with the deferral method of accounting for contributions. It is the donor's wish that this contribution be used as a fundraising mechanism starting from its inception and throughout its lifespan. Additionally, it is the donor's wish that the long-term viability of the growth of this contribution remain the guiding principal for any withdrawals and that the organization make reasonable efforts to maintain capital invested.

6. Internally restricted net assets

The Board of Directors has internally restricted reserves to absorb or respond to temporary changes in its environment or circumstances and to ensure the society has adequate resources to complete committed projects.

The reserve will be used for:

- Significant reduction in revenue resulting from an external event or conditions in the economy that cannot be sustainably addressed by unrestricted net assets;
- To fund ongoing case litigation in the event that the society must cease operations;
- Unexpected increase in expenses; and
- Unexpected opportunities that require additional resources.

7. Financial instruments

Fair values

The carrying amounts of financial assets measured at amortized cost are \$1,975,861 as at October 31, 2022 (2021 - \$1,260,973).

The carrying amounts of financial assets measured at fair value are \$7,280,913 as at October 31, 2022 (2021 - \$5,567,079).

The carrying amounts of financial liabilities measured at amortized cost are \$256,137 as at October 31, 2022 (2021 - \$126,416).

Ecojustice Canada Society

Notes to the Financial Statements

October 31, 2022

7. Financial instruments (continued)

Currency risk

The society is exposed to financial risks as a result of exchange rate fluctuations and the volatility of these rates. In the normal course of operations, the society receives grants and donations denominated in U.S. dollars. The society does not currently enter into forward contracts to mitigate this risk. It is management's opinion that the society is not exposed to significant currency risks. There has been no change to the risk exposure from 2021.

Credit risk

Credit risk refers to the risk that a counterparty may default on its contractual obligations resulting in a financial loss. It is management's opinion that the society is not exposed to significant credit risks. There has been no change to the risk exposures from 2021.

Liquidity risk

Liquidity risk is the risk that the society will be unable to fulfill its obligations on a timely basis or at a reasonable cost. The society manages its liquidity risk by monitoring its operating requirements. The Society prepares budget and cash forecasts to ensure it has sufficient funds to fulfill its obligations. There has been no change to the risk exposures from 2021.

Interest rate risk

The society is exposed to interest rate risk on its fixed interest rate financial instruments. Fixed-rate instruments subject the society to a fair value risk as interest rates change. The society is exposed to this type of risk as a result of investments in GICs. GICs are subject to interest rate risk upon reinvestment. The risk associated with investments is managed through the society's established investment policy. There has been no change to their risk exposures from 2021.

8. Operating line of credit

The society maintains an operating line of credit of \$100,000. The operating line bears interest at the bank's prime rate plus 2%. Interest is calculated monthly and payable on the last day of each month. The operating line is secured by a general security agreement against all present and after acquired property. At October 31, 2022, the amount outstanding in the operating line of credit is \$Nil (2021 - \$Nil).

Ecojustice Canada Society

Notes to the Financial Statements

October 31, 2022

9. Commitments

The society is committed to the following future minimum payments under operating leases for premises, donor relation and information technology services as follows:

2023	\$	327,119
2024		291,720
2025		301,926
2026		205,667
2027		<u>111,497</u>
	\$	<u>1,237,929</u>

On June 4, 2020 the society reached an agreement with the University of Ottawa Faculty of Law and Faculty of Science to continue to operate an environmental law and policy clinic on the campus to October 31, 2023. Based on the agreement, the University of Ottawa Faculty of Law will make in-kind contributions in the form of a professor of law. The University will also contribute \$100,000 annually over the term of the agreement. Ecojustice is committed to contribute at minimum \$185,000 in fiscal 2023.

10. Remuneration

Remuneration of \$75,000 or more paid to the top ten employees and contractors for services totaled \$1,200,240 (2021 - \$1,090,285) for the year ended October 31, 2022. The society did not pay any of its Directors remuneration for their services on the Board of Directors.
