



BEARDWINTER LLP

Andrea Tratnik

Andrea Tratnik is a partner in the firm's Trusts and Estates Group and Corporate Group. She is a qualified Trust and Estate Practitioner (TEP) as designated by the internationally recognized Society of Trust and Estate Practitioners (STEP). She is currently an executive member of the Trusts and Estates Law Section of the Ontario Bar Association (OBA) and a longstanding member of the Canadian Tax Foundation.

Andrea helps clients achieve their estate and trust planning objectives by providing high-quality, personalized advice and work product. She works with clients and their advisors to create efficient plans designed to minimize probate tax and address various income tax considerations.

In addition, Andrea thoughtfully guides families through the probate and estate administration process and recognizes that navigating these legal avenues can be especially difficult after the loss of a loved one.

Andrea also provides advice on a variety of private corporate matters, including business succession planning.

Andrea is a frequent contributor to a number of Canadian and international publications. She has published articles with the Law Society of Ontario, OBA, STEP, Taxes & Wealth Management, the Journal of International Tax, Trust and Corporate Planning, and Offshore Investment Magazine. She also recently co-authored the Canadian chapter of International Trust Laws (Jordan Publishing, 2022) and the Canadian chapter of Family Offices: The STEP Handbook for Advisors, Third Edition (STEP and Globe Law and Business, 2023).

Andrea regularly presents on trust and estate matters to financial advisors and their clients, lawyers, banks, and members of the community.

Andrea sat on her firm's articling committee from 2013 to 2021 and has spent time volunteering as a supervising lawyer for the Wills Project with Pro Bono Students Canada.

Contact

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Call to Bar

2012

Education

J.D., 2011

University of Western Ontario

B.A.(Hons.), 2007

Wilfrid Laurier University

Practice Areas

- ▲ Society of Trusts and Estates Practitioners (STEP)
- ▲ Trusts & Estates Practitioners (TEP)
- ▲ Estate and Trust Administration
- ▲ Estate and Trust Planning
- ▲ Powers of Attorney
- ▲ Non-Profit Entities and Charities
- ▲ Business Acquisitions and Dispositions

Associations

- ▲ Society of Trusts and Estates Practitioners (STEP)
- ▲ Trusts & Estates Practitioners (TEP)
- ▲ Canadian Bar Association
- ▲ Ontario Bar Association
- ▲ Ontario Bar Association – Trusts and Estates Section Executive – Elected Member-at-Large
- ▲ Canadian Tax Foundation

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Articles and Speeches

- ▶ “Family Offices: The STEP Handbook for Advisors, Third Edition,” Chapter on Canada, STEP and Globe Law and Business, co-author, September 2023.
- ▶ “Medical Assistance in Dying (MAID) Laws in Canada”, OBA’s Trusts and Estates Law Section, co-authored, May 2023.
- ▶ “Wills and Powers of Attorney” (Presentation) | Ontario Bar Association and Toronto Public Library | November 30, 2022 | As part of the OBA’s Make a Will month initiative, Andrea Tratnik gave a presentation to the community that discussed the topics of Wills, estate planning and powers of attorney.
- ▶ New Tax Reporting Obligations for Trusts: UPDATE 2022
- ▶ “International Trust Laws”, Jordan Publishing, Updated Chapter on Canada (issue 104), co-authored, June 9, 2022.
- ▶ “New Tax Reporting Obligations for Trusts”, by Andrea Tratnik, Estate and Trust Lawyer, Beard Winter LLP | February 2021
- ▶ “Family Offices in Canada: Current State and Their Future” | co-authored with M.A. Bueschkens and Lucinda Main | The International Family Offices Journal (Globe Law and Business) | December 2021
- ▶ “Is Probate Required?” (Presentation) and “Is Probate Required? Part II” (Paper) | Ontario Bar Association | June 16, 2021 | This presentation was given at the OBA’s Your First Estate Administration seminar. Andrea’s discussion focussed on assets that do not require probate, deferring the payment of estate administration tax, and key legislative developments re: small estates.
- ▶ “Wills and Powers of Attorney” (Presentation) | Ontario Bar Association and Toronto Public Library | November 16, 2020 | As part of the OBA’s Make a Will month initiative, Andrea Tratnik and Kemi Ibitoye gave a virtual presentation to the community that discussed the topics of Wills, estate planning and powers of attorney.
- ▶ “Continuing Powers of Attorney for Property: Tax Considerations for Small Business Owners” | Taxes & Wealth Management, issue 12-2 | June 2019.
- ▶ “Family Offices: The Society of Trusts and Estates Practitioners Handbook for Advisors, Second Edition,” Chapter on Canada, STEP and Globe Law and Business, co-author, May 2019.
- ▶ “International Trust Laws”, Jordan Publishing, Updated Chapter on Canada (update 91), co-author with John O’Sullivan, Lucinda Main, Pia Hundal and Lori Isaj, March 2019.
- ▶ “Ask the Expert” (Panel Discussion) | Toronto Region Board of Trade’s 12th Annual Small Business Summit | Sep 24, 2018
- ▶ Andrea Tratnik and colleagues hosted a panel discussion among small and medium-sized enterprises at the Toronto Region Board of Trade’s 12th Annual Small Business Summit. The discussion centred around various legal considerations in starting up and expanding business operations.



- ▶ “On the House” (a report on the unwelcome tax changes for foreigners buying real estate in Canada) | co-authored with Lucinda Main | Offshore Investment | October 2017
- ▶ “Recent changes to Canadian immigration, tax, real estate and trust law and their potential adverse consequences on attracting high net worth foreigners and foreign investment to Canada” | co-authored with Lucinda Main | Journal of International Tax, Trust and Corporate Planning, vol. 24, issue 3, 2017.
- ▶ “Family Offices in Canada: Current State and Their Future” | co-authored with M.A. Bueschkens (Miller Thomson LLP) and Lucinda Main | The International Family Offices Journal (Globe Law and Business) | June 2017
- ▶ “Powers of Attorney in Ontario: What Advisors Can Do To Help Protect Their Clients’ Interests” (Presentation) | IDC WorldSource Insurance Network Conference | Sep 29, 2016 Andrea Tratnik and Victoria E. Winter presented to an audience of financial advisors, insurance brokers and other professionals at a conference held by the IDC WorldSource Insurance Network on September 29, 2016. The presentation focused on advantages, risks and other considerations relating to powers of attorney for property in Ontario.
- ▶ “Discretionary Trust Essentials” | co-authored with John O’Sullivan | Ontario Bar Association | April 5, 2016 A discussion of the evolving trust law and family law principles relating to the valuation of discretionary trust interests and disclosure obligations of trustees. This paper was presented at the 2016 OBA conference “Kissing Cousins: Where Family Law, and Trusts and Estates Law Meet” held on April 5, 2016 in Toronto.
- ▶ “International Trust Laws”, Jordan Publishing, Chapter on Canada, co-author with John O’Sullivan, Pia Hundal and Lucinda Main, January 2015.
- ▶ A Recap of the New Restrictive Covenant Rules | Ontario Bar Association | April 2014 A discussion of the restrictive covenant tax rules implemented in 2013 under section 56.4 of the Income Tax Act.
- ▶ Tax on Trust Distributions to Non-Residents: An Introduction | Ontario Bar Association | January 2014 An outline of the taxation on distributions from a Canadian resident trust to non-resident beneficiaries, with an emphasis on Part XIII withholding tax.
- ▶ A Canadian Super Visa: What is it? | co-authored with Richard I.R. Winter, Q.C. | Offshore Investment Magazine | June 2013 An overview of the interplay between Canadian tax law and Canadian immigration law with respect to the Super Visa programme.
- ▶ Punitive Damages and More: The Consequences of Estate Trustees’ Egregious Conduct | Ontario Bar Association | April 2013 A case brief and discussion of the legal consequences of a trustee’s breach of fiduciary duty, failure to account, breach of court orders, and mismanagement of an estate.
- ▶ Case comment: Leclair v Canada, 2011 TCC 323: Failed Inter Vivos Gifts Not Caught Under Section 160 of the Income Tax Act | Ontario Bar Association | December 2011 A case brief and discussion of tax consequences in the context of gifting.