

TAXATION OF INDIVIDUALS

CONTENTS

	Page No.
LIABILITY TO TAX — RESIDENCE.....	307
General Comments.....	307
Who is Liable to Pay Canadian Tax?	307
Taxation Year.....	308
Taxable Income.....	308
Residence in Canada	308
Extended Meaning of Residence	308
Common Law Meaning of Residence.....	310
Residence Always a Question of Fact.....	310
Ordinarily Resident	311
Person Deemed Not Resident	312
Non-Residents Subject to Canadian Tax.....	312
Change of Residence During Year.....	313
Individuals Exempt from Personal Tax	315
INCOME — GENERAL PRINCIPLES	317
World Income — Basic Rules	317
Basis of Reporting Income — Cash versus Accrual Method	319
Constructive Receipt	320
Advance Payments.....	321
Payments in Kind	321
Income from Non-Canadian Sources	322
Losses.....	322
ITEMS INCLUDED IN INCOME.....	323
Income from Business	323
Income from Property.....	323
Employment Income	323
Capital Gains.....	323
Income from Other Sources	323
Allocation of Consideration.....	323
Pension Benefits.....	326
Split Pension Income Reallocation.....	326
Retiring Allowances	327
Death Benefits	329
Employment Insurance Benefits	329
Certain Employee Assistance Payments	330
Death Benefits under CPP/QPP.....	330
Split Benefit Income Reallocation.....	330
Parents of Victims of Crime.....	330
Spousal and Common-Law Partner Support	330
Child Support	332
Annuity Income	334
Supplementary Unemployment Benefits	334
RRSP, RRIF, Home Buyers' Plan, Lifelong Learning Plan, DPSP	334
Life Insurance Proceeds	334
Legal Costs Awarded	334
Scholarships, Bursaries, etc	335

Research Grants	336
Refund of Scholarship, Bursary or Grant.....	337
Education Savings Plan Benefits	337
Registered Disability Savings Plan Payments	337
Financial Assistance	337
Registered Retirement Income Fund.....	337
Social Assistance Payments.....	338
Workers' Compensation	338
Salary Deferral Arrangements.....	338
Retirement Compensation Arrangements	338
Universal Childcare Benefit	339
ITEMS EXCLUDED FROM INCOME	341
Payments Declared Exempt under Other Acts.....	341
Effect of Tax Conventions.....	342
Certain Pensions and Allowances	342
M.L.A.'s Expense Allowance	343
Municipal Officers' Expense Allowance.....	344
Part-Time Employees	344
Payments for Volunteer Services	344
Other Non-Income Amounts	344
DEDUCTIONS ALLOWED IN COMPUTING INCOME	347
Capital Element in Annuity Payments	347
Spousal and Common-Law Partner Child Support	347
Split Pension Income Reallocation.....	348
Interest on Death Duties.....	351
Registered Retirement Savings Plans and Registered Retirement	
Income Funds.....	352
Transfer Payments	352
Retiring Allowances	353
Transfer of Refund of Premium under RRSP on Death.....	353
Qualifying Annuity	356
Payments under RDSPs.....	357
Death Duties Applicable to Certain Property	358
Repayment of Pension Benefits.....	358
Expenses of Objection or Appeal	358
Legal Expenses	359
Refund of Bursary or Grant	359
Repayment of Policy Loan.....	359
Retirement Compensation Arrangements	360
Repayment of Amounts re Parents of Victims of Crime.....	360
Repayment of Employment Insurance Benefits	360
Tax on Old Age Security Benefits.....	360
Repayment under the <i>Canada Education Savings Act</i>	360
Repayment of Universal Child Care Benefit.....	361
Repayments under the <i>Canada Disability Savings Act</i>	361
Moving Expenses	361
Child Care Expenses	363
Claimant of Child Care Expenses	365
Receipts and Claims.....	366
Earned Income.....	366
Deemed Residents a Special Case.....	366
Disability Supports Deduction	366

TAXABLE INCOME.....	369
Clergy.....	369
Employee Stock Options, Prospectors and Grubstakers	369
Deduction for Certain Payments.....	370
Financial Assistance — Adult Basic Education.....	371
Home Relocation Loan	372
Lump-Sum Averaging	372
Capital Gains Exemption.....	372
Northern Employee Travel and Housing Benefits	373
Order in which Certain Deductions Apply	374
Loss Carryovers	374
Restricted Farm Losses	374
Non-Capital Losses	376
Farm Losses	377
Limited Partnership Losses	377
Net Capital Losses.....	378
Adjustment to Net Capital Losses.....	379
Special Case — Gain on Settlement of Debts.....	379
Death of an Individual	380
Non-Residents	381
Listed-Personal-Property Losses	381
Resident During Only Part of Year	381
COMPUTATION OF TAX.....	401
Tax Rates and Credit Amounts	401
Addition to Tax where Income Not Earned in a Province.....	401
1. Last-Day-of-the-Year Rule for Non-Business Income.....	401
2. Sales-and-Salaries Formula for Business Income.....	402
Refundable Tax Credit for Income Earned in Quebec.....	402
First Nations Tax.....	403
TAX ON SPLIT INCOME	403
General Comments.....	403
Split Income.....	407
Dividends Paid on Private Corporation Shares.....	407
Income Derived from a Related Business	409
Capital Gains or Profits from Dispositions of Certain Properties	417
Income from Unlisted Debts.....	419
Shareholder Benefits from Unlisted Corporations	419
Excluded Amounts.....	420
Amounts Derived from Non-Related Businesses	420
Amounts Derived from an Excluded Business	422
General Comments.....	422
Reorganizations.....	429
Administrative Issues.....	430
Additional References.....	431
Excluded Shares.....	432
Reasonable Return Exceptions	434.9
Arm's Length Capital	434.9
Reasonable Return in Light of Contributions Made	434.10
Property that Qualifies for the Capital Gains Deduction	434.16
Spouses Over the Age of 64	434.17
Deemed Dispositions at Death	434.18(1)

Property Transferred under a Separation Agreement.....	434.18(1)
Inherited Property	434.18(1)
Inherited Property — Individuals under the Age of 25	434.18(4)
Safe Harbour Capital Returns	434.18(4)
Additional Income Splitting Considerations.....	434.18(5)
Additional References.....	434.18(8)
Consultations.....	434.18(8)
Provincial Income Tax.....	434.18(21)
Dividend Tax Credit.....	434.18(22)
Overseas Employment Tax Credit.....	434.18(24)
Personal Tax Credits	434.18(26)
Single Status Credit	434.18(26)
Married or Common-law Partnership Status Credit	434.18(26)
Taxable Dividends Received by Spouse or Common-Law Partner.....	434.18(28)
Change in Status During Year	434.18(29)
Wholly Dependent Person Credit (i.e. Equivalent-to-Spousal Status).....	434.18(29)
Family Caregiver Tax Credit in Respect of an Infirm Child.....	434.18(30)
Caregiver Credit.....	434.18(31)
Dependants	434.18(32)
Family Caregiver Credit.....	434.20
Taxpayers Over 65 (Age Credit)	434.20
Credit for Pension Income	434.21
Taxpayers Under 65 Years of Age.....	434.21
Taxpayers 65 or Over.....	434.21
Ineligible Income.....	434.22
Pension Income Received by Spouse or Common-Law Partner.....	434.22
Canada Employment Credits	434.22
Adoption Expense Credit.....	434.23
Home Accessibility Tax Credit	434.23
First-Time Home Buyers' Tax Credit	434.26
Volunteer Firefighter Tax Credit	434.27
Search and Rescue Volunteer Credit	434.28
Annual Adjustment of Credits	434.28
Charitable Donations	434.28
Credit by Individuals	434.29
Gifts by Will	434.30
Gift of Life Insurance Policy	436
Gifts for Business Purposes.....	436
Gifts with Annuity Back	436
Gifts Made by Partnership	437
Eligible Amount of Gifts (Split-Receipting Rules)	437
General Comments.....	437
Eligible Amount of Gift or Monetary Contribution	
— Split-Receipting	438.1
Information Not Provided	438.1
Amount of Advantage	438.2
Meaning of a “Gift”	438.4
CRA Policies with Respect to Split-Receipting	438.9
Inter-Charity Transfers Exception	438.15
Cost of Property Acquired by Donor.....	438.16
Repayment of Limited-Recourse Debt	438.17
Gifts-at-Cost Rules.....	438.19
Non-Arm's Length Transactions — Look-Back Rule	438.23
Artificial Transactions.....	438.24

Substantive Gift — Selling Property and Donating Proceeds.....	438.24
Additional Readings.....	438.25
Life Insurance Designations	438.26
Gifts in Kind	439
Gifts of Listed Securities	440
Gifts of Cultural Property	440
Ecological Gifts	441
U.S. Commuters.....	442
Medical Expenses	443
Medical Expense Quick Reference Table.....	444
Overview (Medical Expense Credit Quick Reference Table)	444
Itemized Expense List (Medical Expense Credit Quick Reference Table)	444.1
Summary of Claimable Attendant Care Expenses (Medical Expense Credit Quick Reference Table).....	444.63
List of Authorized Medical Practitioners by Province or Territory (Medical Expense Credit Quick Reference Table))	444.64
Medical Expenses of Dependent Relative	444.67
Medical Expenses as Employment Benefit.....	444.67
CRA Publications RE the Medical Expense Credit	444.67
Disability Tax Credit.....	444.68
Administrative Requirements.....	444.70
Life-Sustaining Therapy	444.71
Tuition Fees	444.72
Carryforward of Unused Tuitionm Textbook and Education Credits.....	444.76
Transfer of Unused Tuition Fee, Textbook and Education Credit.....	444.77
Flying Instruction	444.77
Allowable Fees	444.78
Certificates to Support Claims	444.78
Education Credit	444.78
Designated Educational Institution	444.79
Qualifying Educational Program.....	444.80
Post-secondary Textbook Credits.....	444.80
Credit for Student Loan Interest	444.81
Canada Pension Plan and Quebec Pension Plan Contributions.....	444.81
Transfer of Unused Credits of Spouse or Common-Law Partner	444.81
Tax on Old Age Security Benefits.....	444.82
Part Year Residents.....	444.82
Ordering of Credits	444.83
Separate Returns on Death.....	444.83
Restricted Credits for Non-Residents	444.83
Credits for the Year of Bankruptcy	444.84
Goods and Services Tax Credit.....	444.84
Refundable Medical Expense Supplement.....	444.85
Child Tax Benefit — Applicable Before July 2016.....	444.86
Canada Child Tax Benefit	444.88
Working Income Tax Benefit	444.88
ALLOWANCE FOR FOREIGN TAXES	445
Non-Business-Income Tax	445
Business-Income Tax.....	448

POLITICAL CONTRIBUTIONS.....	451
INVESTMENT TAX CREDIT.....	453
Qualified Property (Atlantic ITC)	453
Nature of Property	454
Use to Which Property Must Be Put	456
“Manufacturing or Processing”	458
Qualified Expenditure for Scientific Research.....	458
Pre-production Mining Expenditures	459
Apprentice Credit	462
Child Care Space Credit.....	464
Investment Tax Credit (ITC)	466
Carryforward Credits	467
Special Cases	467
Trusts.....	467
Partnerships.....	468
Effect of Government Grants.....	470
Deduction and Carry-over of Tax Credits	471
Effect on Income	471
REFUNDABLE INVESTMENT TAX CREDIT	473
Expenditure Limit Relieving Provision	475
LABOUR-SPONSORED FUNDS TAX CREDIT	477
QUALIFYING ENVIRONMENTAL TRUST CREDIT	479
MINIMUM TAX.....	481
Overview.....	481
Adjusted Taxable Income	481
Basic Exemption	482.1
Partnerships.....	482.2
Foreign Tax Credits	482.2
Special Circumstances	482.3
Minimum Tax Carryover.....	482.3
RETURNS	482.5
Electronic Filing of Returns	482.6
PAYMENT OF TAX	482.9
Property Transferred to Spouse, Common-Law Partner or Minor or Person Not at Arm’s Length (ITA 160).....	482.11
Recovery of Excess Refund	482.24
Refund of Overpayment.....	482.24
ASSESSMENT, INTEREST AND PENALTIES.....	483
Assessments	483
Interest & Penalties	484

[Next page is 307]