INDEX

 Amalgamation See also Reorganization, corporate continuity of assets, liabilities and shareholders, 10.5 special rules for certain amalgamations, 10.5 "subsidiary wholly-owned corporation" involving, 10.5 defined, 10.5 successor rules not applying, 10.5 successor corporation rules generally applying, 10.5 two or more taxable Canadian corporations, 10.5 Canadian Development Expense (CDE), 3.4 See also Exploration and development, Flow-through shares and Mineral property Interests, farm-outs Canadian Exploration Expense (CEE), 3.3 See also Exploration and development, 	 Class 10, 4.4.2 acquired after commencement of commercial production, 4.4.2 electrical generating or distributing equipment, 4.4.2 social property", 4.4.2 transportation property, 4.4.2 Class 12, 4.4.3 Class 28, 4.4.1 acquired prior to commencement of commercial production, 4.4.1 additional CCA deduction, 4.4.1 base 30 per cent CCA rate, 4.4.1 major mine expansion, 4.4.1 new mine, 4.4.1 Class 29, 4.4.4 Crown property and surface construction, 4.8 payment to government to allow it to
 Flow-through shares and Mineral Property Interests, farm-outs pre-production exploration, 3.3.2 purpose test, 3.3.2 Capital cost allowance (CCA) available-for-use rule, 4.10 anti-avoidance provision, 4.10 non-arm's length lease payments, 4.10 butterfly reorganization, 4.10 long-term construction project rule, 4.10 example of election to use long-term project rule, 4.10 example of election to this exemption, 4.10 rolling start rule, 4.10 when building considered available for use, 4.10 when property, other than building, considered available for use, 4.10 class applicable for depreciable mining property generally, 4.3 	 acquire social property, 4.8 • taxpayer deemed to acquire property at cost, 4.8 • taxpayer deemed to have acquired property for CCA purposes, 4.8 • "specified temporary access roads", qualifying as CEE, cost of, 4.8 general concept, 4.2 • "assistance", capital cost reduced by, 4.2 • sale of depreciable asset, 4.2 • capital gain, 4.2 • "recaptured", 4.2 • terminal loss, 4.2 • half-year rule, 4.2, 4.3, 4.9 • exceptions, 4.9 • "butterfly" reorganization, 4.9 • depreciable property requirement, 4.9 • "rolling start rule", 4.9 • introduction, 4.1 Oil Sands, 4.5.6 • accelerated CCA, 4.5.6

I-1

(Taxation of Canadian Mining) (2023-1)

- • common law presumption of ownership, 4.7
- • "custom processing" assets excluded, 4.7
- • "mineral resource" defined, 4.7
- mining operator considered to "own" mineral resources, 4.7
- • severance of mineral rights, 4.7
- ••• by Crown reservation, 4.7
- ••• by private contract, 4.7
- ••• by statute, 4.7
- ••• corporeal interest, 4.7
- •••• possession of minerals in situ, 4.7
- ••• incorporeal interest, 4.7
- •••• profit à prendre, 4.7
- • • holder not having possession of minerals *in situ*, 4.7
- ••••• right to extract and possess minerals after severed, 4.7
- ••••• whether interest in land, 4.7
- ••• mining lease serving to convey mineral ownership, 4.7
- ••• mining operator considered to "own" mineral resources, 4.7
- planning, 4.11
- rules after 1988 and before March 21, 2013, 4.5
- • Class 41(a), 4.3, 4.5.1
- • Class 41(a.1), 4.3, 4.5.2
- • Class 41(b), 4.3, 4.5.3
- • Class 43, 4.5.4
- ••• Class 43(a), 4.5.4
- ••• Class 43(b), 4.5.4
- • "custom processing" and "coal mine operator", 4.5.5
- • deemed mine, 4.5.8
- • oil sands, 4.5.6
- ••• amendments to Regulations, 4.5.6
- • production from mine, 4.5.7
- rules after March 20, 2013, 4.6
- • Class 41.2, 4.3, 4.6.1, 4.6.2
- • components, 2.4.7
- • consequential amendments, 4.6.4
- • eligible mine development property, Class 41, 4.6.2
- • federal budget 2013, 4.6
- • other definitions, 4.6.3
- • transitional schedule, 4.6

- Change of control See also Successor rules
- capital losses, 10.8.3
- • accrued capital losses, 10.8.3
- ••• accrued losses used to increase adjusted capital cost base of property with
- gain, 10.8.3
- • definition, 10.8.3
- • none of capital losses available for carryforward or carried back, 10.8.3
- depreciable property, 10.8.4
- • anti-avoidance provision, 10.8.4
- • preventing acquisition of depreciable property in anticipation of change of control, 10.8.4
- • preventing acquisition of potential terminal loss in its depreciable property, 10.8.4
- non-capital losses, 10.8.2
- • deductions allowed in two limited circumstances, 10.8.2
- none of capital losses available for carryback and deduction, 10.8.2
- • where control of parent or subsidiary acquired, 10.8.2
- taxation year-end, 10.8.1
- transfers of losses, deductions and credits limited, 10.8
- utilities connections and rights of way, 4.6.6
- zero emission vehicles, 4.6.5

Charitable donations

• flow-through shares, 12.10.6

Classification of taxpayer

- introduction, 2.1
- joint venture, 2.4
- • criteria for joint venture, 2.4.1-2.4.5
- ••• contractual intent, 2.4.2
- • development of single undertaking, 2.4.1
- ••• profits, participation in, 2.4.5
- ••• tax motivation, 2.4.3
- • defined, 2.4, 2.4.9
- • legal nature of, 2.4.8
- ••• Australian viewpoint, 2.4.8
- ••• Canadian viewpoint, 2.4.8
- operator

 agent, 2.4.9 role of, 2.4.9 undisclosed principal doctrine, 2.4.9 partnership, 2.3 "business" defined, 2.3 essential ingredients for partnership, 2.3 limited partnership, 2.3 tests in ascertaining existence of partnership, 2.3 "principal-business corporation", 2.2 definition, 2.2 factors considered in determining "chief business" of corporation, 2.2 income tax consequences, 2.2 "principal business", 2.2 mining or exploring for minerals, 2.2 point at which corporation becoming "principal-business corporation", 2.2 construction vs. exploring or drilling for gas, 2.2 principal business", 2.2 principal business", 2.2 tax deferred nature of conveyance, 2.5 prospector, meaning of, 2.5 traders or dealers, 2.6 trusts and SIFTS, 2.7 income trusts or income funds, 2.7 royalty trust structure, 2.7 	 Canadian Development Expense (CDE), CCDE account and deduction, 3.4 CCDE account, 3.4.2 expenses, examples, 3.4.1 grandfathering, 3.3.1 additions to account, 3.4.2 reductions to account, 3.4.2 CDE, 3.4.1 defined, 3.4.1 deduction, 3.4.3 Canadian Exploration Expenses (CEE), CCEE account and deduction, 3.3 CCEE account, 3.3.3 grandfathering, 3.3.1 additions to account, 3.3.3 CCEE account, 3.3.3 grandfathering, 3.3.1 additions to account, 3.3.3 CEE, account, 3.3.3 reductions to account, 3.3.3 cCEE, 3.3.1 access roads, temporary, 3.3.1 CRA Guidelines concerning, 3.3.1 cannot qualify as SRED, 3.12 defined, 3.3.1 exclusions, 3.3.1 inclusions, 3.3.1
Corporate reorganization <i>See</i> Reorganiza- tion, corporate	 choosing CEE treatment, 3.3.1 purpose tests, 3.3.1
 Critical Mineral Exploration Tax Credit (CMETC) defined, 12.9.3 investment tax credit, 12.9.3 lithium extraction, 12.9.4 Exploration and development borrowed money for exploration or development, 3.7 interest expenses being CEE or CDE, 3.7 election by taxpayer, 3.7 carved-out production payments, 3.8 50 per cent tax on income earned on carved-out interest, 3.8 	 • two mining procedures, 3.3.1 • deduction, 3.3.4 • principal-business corporation, 3.3.4 • deductions, order of, 3.11 • history, 3.2 • Canadian exploration and development expenses, 3.2 • CEE and CDE, 3.2 • "incurred expenses", 3.5 • mining development, four stages, 3.1 • no duplication of deduction, 3.9 • prepaid expenses, 3.6 • SRED, 3.12 • taxation years, short, 3.10

I-3

(Taxation of Canadian Mining) (2023-1)

• underground exploration, 3.3.1

Farm-outs, 1.9 See also Mineral property interests and Sale of mining properties

- CRA position, 1.9.1
- • assessing policy, 8.3.1(c)
- • Interpretation Bulletin, examples, 8.3.1(c)
- ••• "equipping costs", defined, 8.3.1(c)
- ••• "unproven resource property", defined, 8.3.1(c)
- case law, 1.9.1
- contractual joint ventures, 1.9.4
- legal analysis, 1.9.3
- mining option agreements, 1.9.5
- transactions, 8.3.1(c)

Flow-Through Critical Mineral Mining Expenditure (FTCMME)

- defined, 12.9.3
- investment tax credit, 12.9.3

Flow-Through Mining Expenditure (FTME)investment tax credit, 12.9.3

Flow-through shares

- chapter, structure of, 12.2
- company, type of, 12.5
- • "all or substantially all", 12.5.2
- ••• assets being shares in principal-business corporation, 12.5.2
- ••• meaning of, 12.5.2
- •••• 90 per cent rule, 12.5.2
- • business outside Canada, 12.5.5
- definition, 12.5
- • "principal-business corporation", 12.5.1
- •••• criteria for determining, 12.5.1
- •••• "mining or exploring for minerals", 12.5.1
- • non-resident company, 12.5.4
- • parent-subsidiary structure, 12.5.8
- ••• "stacking" arrangement contemplated, 12.5.8
- • resource properties owned, 12.5.6
- • time for qualifying, 12.5.3
- • time of commencing business, 12.5.7
- expenses, types of, 12.4
- • assistance, 12.4.9

- ••• defined, 12.4.9
- • example: provincial refundable tax credits, 12.4.9
- •••• B.C. mineral exploration tax credit, 12.4.9
- •••• "eligible taxpayer", 12.4.9
- ••••• example of amount of expenses net of assistance that could be renounced, 12.4.9
- •••• "excluded expense", 12.4.9
- •••• Yukon Act: exploration credit, 12.4.9
- •••• "ineligible expense", 12.4.9
- •••• permanent establishment in Yukon, 12.4.9
- Canadian Exploration Expense (CEE) and CDE, 12.4.3
- ••• "deposit", 12.4.1
- ••• "mineral resource", 12.4.1
- ••• "preliminary sampling", 12.4.1
- ••• rental payments for dormant inventories not qualify as CEE, 12.4.1
- ••• "specified sampling", 12.4.2
- ••• types of development expenses qualifying, 12.4.3
- • feasibility studies, 12.4.6
- • flow-through mining expenditure, 12.4.2
- mine sites, old and new, 12.4.7
- • overhead and affiliate costs: CEDOE, 12.4.4
- ••• CEDOE defined, 12.4.4
- • • "administration, management and financing", 12.4.4
- ••• connection test, 12.4.4
- ••• consulting engineer report, 12.4.4
- ••• deemed not to qualify for purposes of flow-through share rules, 12.4.4
- • portion of expense exceeding "costs incurred", 12.4.4
- • pre-production revenue, exclusion for, 12.4.10
- • seismic, 12.4.8
- • staking claims, 12.4.5
- introduction, 12.1
- exploration company authorized to renounce its CEE tax write-off in favour of shareholders, 12.1

- • reducing by half, capital that high income investors having at risk, 12.1
- federal tax credit of 15% for individual investors, 12.1
- • high risk capital requirements, 12.1
- • need to stimulate exploration in mining industry, 12.1
- • investment encouraged in oil and gas exploration, 12.1
- investors entitled to access certain resource expenses incurred by companies, 12.1
- investor, type of, 12.7
- • agent, 12.7.4
- • deceased investor, 12.7.5
- • non-resident, 12.7.2
- • partnership, 12.7.3
- • person, 12.7.1
- procedural rules, 12.8
- • basic remuneration, 12.8.3
- • but-for test, 12.8.13
- • communication of information, 12.8.15
- • excess renunciation, 12.8.9
- ••• penalties for, 12.8.10
- ••• tax treatment of damages, 12.8.9
- •• failure to file, 12.8.7
- • filing, late, 12.8.8
- • income tax returns, T2, 12.8.18
- • notice of objection and appeal, 12.8.19
- • one-year look-back rule, 12.8.4
- ••• conditions to be met, 12.8.4
- •••• dealing at arm's length, 12.8.4
- • "toll charge" for extending period, 12.8.4
- •••• formula for calculating monthly toll charge, 12.8.4
- ••• where failure to incur resource expenses in one-year period, 12.8.4
- •••• investors reassessed, 12.8.4
- • where partnership and corporation deemed not to deal at arm's length, 12.8.4
- • partnership filings, 12.8.17
- • partnership procedure, 12.8.6
- • reassessment period, six year, 12.8.16
- • removal of expense, 12.8.5
- • selling investment, 12.8
- tax shelter registration, 12.8.2
- ••• gifting arrangement, 12.8.2

• • third party penalties, 12.8.14 • • tiered renunciation, 12.8.11 • • warehousing, prohibited, 12.8.12 • share, type of, 12.6 • • agreement in writing, 12.6.3 • • • conditions precedent or conditions subsequent, 12.6.3 • • • enforceable and legally binding, 12.6.3 ••• letters of intent, 12.6.3 • • • prior to date resource expenditures incurred, 12.6.3 • • definition, 12.6.1 ••• "flow-through share", 12.6.2 •••• corporation promising to incur CEE and CDE, 12.6.1 •••• • "best efforts" acceptable in certain circumstances, 12.6.1 •••• two-year time frame, 12.6.1 ••• share consideration, 12.6.1 ••• special warrants, 12.6.1

••• split-receipting donation rules, 12.8.2

••• "tax shelter" defined, 12.8.3

- prescribed share and prescribed right, 12.6.2
- ••• contractual right of rescission not resulting in shares being "prescribed", 12.6.2
- • form of guarantee, security or indemnity, 12.6.2
- ••• "prescribed right", 12.6.2
- ••• prescribed share not qualifying as flowthrough share, 12.6.2
- ••• several alternate provisions describing prescribed share, 12.6.2
- •••• Regulation 6202.1(1), 12.6.2, 12.10.1
- •••• Regulation 6202.1(5), 12.6.2
- ••••• exceptions, 12.6.2
- ••• special warrants or bonus shares, 12.6.2
- ••• Technical Interpretations, 12.6.1
- • termination clause not necessarily causing issued share to be prescribed share, 12.6.2
- • whether "additional benefits" constituting assistance in acquiring shares, 12.6.2
- •••• Furakawa line of cases, 12.6.2
- I-5

(Taxation of Canadian Mining) (2023-1)

- • • whether obligation to transfer •••• deduction for CEE incurred, 12.9.1 ••• investor's CCEE account, 12.9.1 property or confer benefit, 12.6.2 • • warrant structure, 12.6.4 • • federal investment tax credit (ITC), • statutory framework, 12.3 12.9.3 • • forms, 12.4 • • • extension of, 12.9.3 • • main structural rules, 12.3 • • form T1229, 12.9.5 ••• "renunciation system", 12.3 • • loss, generating, 12.9.2 • • rules for deductions and credits available • • paid-up capital (inside basis), 12.9.7 • • partnership issues, 12.9.13 to investor, 12.3 • • • "at-risk" rules not, in concept, pre-• • substantive definitions, 12.3 senting difficulty, 12.9.13 • subsequent transactions, 12.10 • • acquisition of control, 12.10.2 •••• where selling shares and reinvesting in • • amalgamation, 12.10.3 other shares, 12.9.13 • • divisive reorganizations, 12.10.4 ••• "at-risk" rules possibly limiting amount • • donation flow-through shares, 12.10.6 of deductions, 12.9.13 • • partnership transactions, 12.10.5 • • • limited recourse amount, 12.9.13 • • • tax-deferred rollover provisions ap-• • • "tax shelter investment" possibly replying to dissolution of partnership, stricting deductibility, 12.9.13 •••• "prescribed benefit", 12.9.13 12.10.5 • • share sale, 12.10.1 • • provincial tax credits, 12.9.4 ••• Regulation 6202.1(1), 12.10.1 ••• flow-through share tax credits, 12.9.4 •••• British Columbia, 12.9.4 ••• Regulation 6202.1(5), 12.10.1 •••• Manitoba, 12.9.4 • tax benefits to investor, 12.9 • • adjusted cost base of investor, 12.9.6 •••• Ontario, 12.9.4 •••• Saskatchewan, 12.9.4 ••• deemed cost of nil, 12.9.6 • • • partnership flow-through share struc-• • • interaction with definition of CCEE, ture, 12.9.6 12.9.4 • • • resale restrictions by SEC being ex-•••• "government assistance" not excludternal conditions, 12.9.6 ing federal ITCs, 12.9.4 ••• whether gain on subsequent sale being • • RRSP contributions, 12.9.12 on income or capital account, 12.9.6 • • stock option flow-through shares, •••• purchase for resale vs. purchase for 12.9.11 tax planning, 12.9.6 Foreign exploration and mining See also • • allowable business investment loss, Successor rules 12.9.10 • financing company structure, 16.9 • • alternative minimum tax, 12.9.8 • foreign affiliate system, 16.4 • Critical Mineral Exploration Tax Credit • • basic principles underlying system, 16.4 (CMETC), 12.9.3 • • purpose of system, 16.4 • • • deduction of CEE or CDE not re-• • rules for implementing, 16.4 stricted to investor's income, 12.9.2 • • • foreign accrual property income ••• limited partnership, 12.9.2 (FAPI), 16.4 ••• Manitoba, 12.9.4 • foreign exploration and development ex-• • cumulative net investment loss account, pense (FEDE) and FRE, 16.2 12.9.9 • • foreign exploration and development • • deemed expense, 12.9.1 expense (FEDE), 16.2.1 ••• investor placed in position of having
 - ••• defined, 16.2.1

incurred resource expense, 12.9.1

- ••• FEDE account reduced by amount of FEDE deducted by taxpayer, 16.2.1
- •••• amount of FEDE that taxpayer able to deduct, 16.2.1
- • FEDE not including certain types of expenses, 16.2.1
- • • conditions for including expenses, 16.2.1
- • successor corporation rules applying, where, 16.2.1
- • foreign resource expense (FRE), discussed, 16.2.2
- • adjusted cumulative foreign resource expense (ACFRE), 16.2.2
- ••• exploration expense, 16.2.2(c)
- • FRE definition, selected elements, 16.2.2(b)
- ••• FRE definition, statutory context and purpose, 16.2.2(g)
- • cumulative foreign resource expense (CFRE) determined by formula, 16.2.2
- • • CFRE applying on country-bycountry basis, 16.2.2
- ••• "foreign resource income". 16.2.2
- ••• "foreign resource loss", 16.2.2
- ••• purpose test in paragraph (j), 16.2.2(d) to (f)
- ••• statutory interpretation, 16.2.2(a)
- • mechanics, 16.2.3
- • additional deduction for portion of "global foreign resource limit", 16.2.3
- ••• maximum deduction of ACFRE, 16.2.3
- ••• minimum deduction of ACFRE, 16.2.3
- foreign tax credit, 16.3
- • business-income taxes, 16.3.3
- ••• foreign income on country-by-country basis, 16.3.3
- • paid to foreign country in respect of business carried on in country, 16.3.3
- ••• rules preventing trading in foreign tax credits, 16.3.3
- ••• specific exclusions, 16.3.3
- • excess foreign tax credits, 16.3.8
- • reasons for presence of excess foreign tax credits, 16.3.9
- • generally, 16.3.1

- ••• calculated on country-by-country basis, 16.3.1
- ••• credit for foreign taxes paid on foreignsource income or profits, 16.3.1
- •••• business-income tax, 16.3.1
- ••••• conversion into non-capital losses, 16.3.1
- ••••• unused foreign tax credits, 16.3.1
- •••• non-business income tax, 16.3.1
- ••••• excess foreign taxes, deduction for, 16.3.1
- •••• withholding taxes, 16.3.1
- ••• double taxation, alleviating, 16.3.1
- • income or profits tax, 16.3.2
- ••• "income or profits" tax, 16.3.2
- •••• tax levied in respect of net income or profits, 16.3.2
- ••••• tax subject to tax treaty between Canada and another country, 16.3.2
- ••••• withholding tax based on gross receipt, 16.3.2
- ••• "tax", criteria for, 16.3.2
- •••• resource royalty not taxes, 16.3.2
- • mechanics: business-income tax, 16.3.6
- mechanics: non-business-income tax, 16.3.7
- • mechanics of foreign tax credits, 16.3.5
- • non-business-income taxes, 16.3.4
- ••• adjustments or variables, 16.3.4
- • • "bare" tax rate applied to foreign income, 16.3.4
- ••• carry over for business-income taxes in form of unpaid credits, 16.3.6
- • limitations on current year's claim, 16.3.4
- •••• limitations preventing refund of Canadian taxes, 16.3.6
- •••• "sourcing restriction", 16.3.6
- ••• unused foreign tax credits, 16.3.6
- •••• rules with respect to claiming, 16.3.6
- • • where carried back to previous taxation year, 16.3.6
- provincial foreign tax credits, 16.3.8
- holding company structure, 16.8
- • joint venture structure, 16.8
- introduction, 16.1

- (Taxation of Canadian Mining) (2023-1)

- • business income from foreign sources included in business income in Canada, 16.1
- • credit for any foreign income taxes paid, 16.1, 16.3
- • forms of carrying on mining activities, 16.1
- • foreign branch or foreign subsidiary corporation, 16.1
- • subsidiary corporation and royalty agreement with parent, 16.1
- • parent providing funding, and acquiring right to royalty, 16.1
- •••• enforceable right being itself "foreign resource property", 16.1
- outbound loans: section 17, 16.5
- • anti-avoidance rules: indirect funding, 16.5.3
- ••• exempt loan or transfer, 16.5.3
- • anti-avoidance rules: options, 16.5.5
- • anti-avoidance rules: partnerships and trusts, 16.5.4
- • exceptions, 16.5.2
- • mechanics, 16.5.1
- royalty rights structure, 16.7
- FAPI earned by foreign entity attributed to Canadian owner, 16.7
- • foreign subsidiary being "controlled foreign affiliate", 16.7
- ••• royalty rights granted in exchange for cash funding, 16.7
- • funds provided by parent representing its cost of its royalty rights, 16.7
- ••• funds constituting addition to parent's CFRE account, 16.7
- transfer pricing, 16.6
- • arms-length transfer price, 16.6.1
- • contemporaneous documentation, 16.6.3
- •• penalties, 16.6.2
- • reporting, 16.6.4

Functional Currency

- anti-avoidance rules, 18.10
- transactions with fluctuations in reporting currencies, 18.10
- transfer of property from corporation to another, 18.10
- ••• "purpose test", 18.10
- conversion of amounts carried back, 18.7

- default rules, 18.1
- • "Canadian tax results", 18.1
- • "relevant spot rate", 18.1
- eligibility for, 18.2
- foreign affiliates and FAPI, 18.6
- • transacting in single currency, 18.6
- general rules, 18.3
- • application in provinces, 18.3
- • "fresh start" rules, 18.3
- • not available for Canadian GST/HST, 18.3
- • "pre-transition debts", rules of, 18.3
- • relevant spot rate, daily rate, 18.3
- • relevant spot rate, first day of taxation year, 18.3
- liquidations and amalgamations, 18.10
- • amalgamations qualifying under s. 87(1), 18.10
- • liquidations winding-up as in s. 88(1), 18.10
- • purpose of rules for, 18.10
- • special deeming rule for debt obligations between two predecessors, 18.10
- • "tax reporting currency" of subsidiary, 18.10
- partnerships, 18.6
- • multi-tiered, 18.6
- • P1 and P2 members, 18.6
- revocation of, 18.9
- • notice of revocation, form T1296, 18.9
- tax payments and refunds in Canadian currency, 18.5
- • under Parts I, VI, VI.1 and XIII.1, 18.5
- transition of existing tax attributes, 18.4

General Anti-Avoidance Rule

- application of GAAR, 17.1
- • avoidance transaction, 17.3
- • misuse or abuse, 17.4
- • tax benefit, 17.2
- application of GAAR to international transactions, 17.7
- capital loss cases, 17.8
- • stop-loss rules, 17.8
- deduction of interest expenses and GAAR, 17.5
- surplus stripping and GAAR, 17.6

Gold loans, 1.10 See also Mineral property	• Flow-Through Mining Expenditure
interests	(FTME), 12.9.3 • flow-through shares, 12.6.2
Income War Tax Act • exploration expense deduction, 3.2	Mineral property interests
Indemnity Provisionflow-through shares, 12.6.2	 "Canadian resource properties", 1.7 amendment, proposed, 1.7 Canadian exploration expense, 1.7
 Industrial minerals development costs, 15.2 exploration costs, 15.3 introduction, 15.1 common industrial minerals, 15.1 plant and equipment costs, 15.5 power-operated movable equipment designed for excavating, 15.5 sand and gravel pit not "mine", 15.5 sand and gravel pit not "mine", 15.5 front-end loaders properly characterized as Class 22 (now Class 38) for CCA, 15.5 o production equipment used in stone quarry, 15.5 o depreciable at rate of 30percent, 15.5 property costs, 15.4 capital cost allowance (CCA) available to taxpayer, 15.4 cost being cost of depreciable property, 15.4 depreciation rate, determining unit-of-production depreciation rate required, when, 15.4 industrial mineral mine including harvesting of peat, 15.4 maximum CCA, 15.4 sale of mine being proceeds of disposition of depreciable property, 15.4 where mine exhausted, 15.4 o where mine exhausted, 15.4 industrial mineral mine not allowed to claim 25 % resource allowance, 15.7 tax rate, 15.6 	 Canadian exploration expense, 1.7 "deposit" of minerals, 1.7 "foreign resource property", 1.7 graphite, 1.7 gravel deposit, 1.7 income tax definition, 1.1, 1.7 "industrial minerals", omission of, 1.7 "lithium, 1.7, 12.9.3 marble, 1.7 "mineral" defined, 1.7 "mineral resource" defined, 1.7 "non-bedded deposits", 1.7, 12.9.3 oil and natural gas reserves not included unless oil sands deposit, 1.7 potash, 1.7 potash, 1.7 enforceable right to royalty on future production, 1.7 tailings, 1.7 "ore" processed from tailings, 1.7 exploration licence or permit, 1.3 "mining exploration licence" in Quebec, 1.3 modern exploration technology, employing, 1.3 program of work, 1.3 rights of permit holder, 1.3 farm-outs, 1.9 Canada Revenue Agency (CRA) position, 1.9.1 otions, 1.9.1 otions, 1.9.1 otions, 1.9.1
 Investment Tax Credit (ITC) Flow-Through Critical Mineral Mining Expenditure (FTCMME), 12.9.3 	 • typical farm-out transaction, 1.9.1 • • • equipping costs", 1.9.1 • • • "unproven resource property", 1.9.1

I-9

(Taxation of Canadian Mining) (2023-1)

• • • • widespread farm-out transaction, • introduction, 1.1 • • mineral claim, 1.1 1.9.1 ••• mining industry, 1.9.1 • • mining lease, 1.1 •••• some uncertainty, 1.9.1 • • prospecting licence, 1.1 ••• oil and gas industry, 1.9.1 • mineral claims, 1.1, 1.4 ••• widespread farm-out transaction, 1.9.1 • • eligibility requirements, 1.4 • • ground staking, 1.4 • • case law, 1.9.2 • • "farmee", 1.9 • • map selection, 1.4 •• "farmor", 1.9 • • removal of minerals solely for testing • • legal analysis, 1.9.3 purposes, 1.4 • • • exploratory drilling on unproven mi-• • rights under claim, 1.4 neral property in return for percentage • mining leases, 1.5 • • application requirements, 1.5 interest, 1.9.3 •••• amount receivable, 1.9.3 ••• requirements differing among jurisdic-••••• amount "fixed and ascertained", tions, 1.5 1.9.3 • • interest conveyed by mining lease, 1.5 •••• right to receive compensation, 1.9.3 • • • Ontario granting "patent" where re-• • • • Canadian Development Expense quisite mineral production, 1.5 • • • profit a prendre or right to extract (CDE), 1.9.3 • • • • Canadian Exploratory Expenses minerals, 1.5 • • right to commercially exploit minerals (CEE), 1.9.3 ••••• no express exclusion for CDE exwithin leased lands, 1.5 pense, 1.9.3 ••• Alberta requiring order-in-council, 1.5 • offtake and stream transactions, 1.11 •••• depreciable property costs, 1.9.3 ••••• capital cost allowance, 1.9.3 • • metal stream transaction, 1.11 • • • • • neither CEE nor CDE unless • option agreements, 1.6 amount received, 1.9.3 • • discontinuance of mining operations, 1.6 •••• expense being both CDE and CEE, ••• disposal by optionee of property, plant 1.9.3 and equipment, 1.6 •••••electing to deduct as CEE, 1.9.3 • • optionee exercising option when prop-• • • • expropriation of property, where, erty put into production, 1.6 • • • notice to commence production once 1.9.3 •••• feasibility study costs, 1.9.3 stipulated costs incurred, 1.6 ••••• CEE vs. CDE, 1.9.3 • • optionee recovering its expenditures ••••• reduction to farmee's CCDE acprior to royalty being paid, 1.6 count, 1.9.3 • • optionee's right to sell property provided • • • • possible income tax implications, purchaser assuming its obligations, 1.6 • • optionor trading title to property for 1.9.3 • • • • pre-production development costs, future royalty interest, 1.6 • preliminary licensing requirements, 1.2 1.9.3 •••• amount received, 1.9.3 • • mineral claim, 1.2 ••••• remaining CEE, 1.9.3 • • prospecting licence, 1.2 • gold loans, 1.10 ••• right conferred, 1.2 • • borrower required to return equivalent • royalties, 1.8 • • amendment, proposed, 1.8 quantity of goods, 1.10 • • "hedge" of future gold production, 1.10 • • "deductibility" of royalty payments, 1.8 • • "loan for consumption", 1.10

- • deduction by royalty payer not prohibited, 1.8
- ••• forms of royalty, 1.8
- ••• where royalty holder having direct interest in production, 1.8
- ••• where royalty interest computed with reference to "net profits" of royalty payer, 1.8
- •• right to, 1.7, 1.8
- • "royalty interest", 1.8
- ••• interest in land, 1.8
- • "royalty", meaning of, 1.8
- ••• interest in mineral production, 1.8
- ••• share of future production, 1.8
- • third party purchase of royalty interest, 1.8

Mining industry terms, Glossary

Offtake and stream transactions, 1.11

Option agreements, 1.6 See also Mineral property interests

Partnerships

- adjusted cost base (ACB) adjustments, 11.5
- calculation of ACB of partnership interest, 11.5
- • distribution of partnership's profits reducing ACB of partnership interest, 11.5
- • negative ACB not resulting in capital gain, 11.5
- • partner deducting its share of partnership's CEE, CDE, FEDE and FRE, 11.5
- • option of electing not to include its share of CDE incurred by partnership in its CDE, 11.5
- partner's share of loss of partnership deducted in computing ACB of its interest, 11.5
- allocation of income or loss, 11.7
- • "at-risk" rules: limited partner, 11.7.3
- ••• background, 11.7.3(a)
- ••• statutory scheme, 11.7.3(b)
- • • at-risk amount being defined aggregate, 11.7.3(b)
- • • deductions and losses allowable, 11.7.3(b)

- •••• deduction of losses limited to partner's at-risk amount, 11.7.3(b)
- •••• "exempt interest", 11.7.3(b)
- •••• "limited partner" defined, 11.7.3(b)
- •••• restricting ability to deduct losses to, 11.7.3(b)
- • limited recourse rules, 11.7.4
- ••• limited recourse amount, 11.7.4
- ••• "tax shelter investment", 11.7.4
- • • deductibility of certain amounts restricted, 11.7.4
- •••• partnership interest, 11.7.4
- • • "prescribed benefit" in financing taxpayer's investment, 11.7.4
- •••• "tax shelter" defined, 11.7.4
- • partner's share, 11.7.1
- • reallocation, 11.7.2
- • restriction on allocation, 11.7.2
- • example where special allocation of income and loss being desirable, 11.7.2
- • non-arm's length partners agreeing to share income or loss, 11.7.2
- • • sharing in manner not reasonable, 11.7.2
- • unreasonably disproportionate allocations, 11.7.2
- •••• income or loss realizations caused by "agreed amounts" on property transferred, 11.7.2
- •••• minister reallocating, 11.7.2
- •••• partnership income, resource expenses and losses, 11.7.2
- expenses, deduction of, 11.3
- • allocation to partner of partnership's "net income" from its source, 11.3
- • whether partner's ability to differentiate "sub source" of revenue being impaired, 11.3
- CEE, CDE, FEDE and FRE allocated, by partnership 11.3
- • deemed incurred by partner, 11.3
- • non-resident partner, 11.3
- • partner entitled to add its share of CEE and CDE to resource deduction accounts, 11.3
- • successor corporation acquiring property from partnership, 11.3
- I-11 (Taxation of Canadian Mining) (2023-1)

- • whether entitled to deduct successored resource pools acquired from partner, 11.3
- flow-through shares, 12.9.13
- formation and dissolution, 11.2
- • dissolution, 11.2.3
- ••• generally, 11.2.3(a)
- •••• deemed continuation of partnership for certain purposes, 11.2.3(a)
- • • deemed disposition at fair market value, 11.2.3(a)
- • • partners incurring CDE of this amount, 11.2.3(a)
- ••••• where not applying, 11.2.3(a)
- •••• non-resident partner, 11.2.3(a)
- •••• deemed disposition, 11.2.3(a)
- •••• proceeds from disposition credited to CCDE account, 11.2.3(a)
- •••• treated as sale at fair market value, 11.2.3
- ••• retiring partner, 11.2.3(e)
- •••• allocation of share of income or loss to retired partner, 11.2.3(e)
- ••••• where continuing to receive income, 11.2.3(e)
- •••• "residual interest", 11.2.3(e)
- •••• right to receive income taxed as "right or thing" on death, 11.2.3(e)
- ••• transfer of undivided interest, 11.2.3(d)
- •••• cost amount of partnership's resource properties, 11.2.3(d)
- •••• cost of partner's undivided interest, 11.2.3(d)
- • • election in respect of disposition, 11.2.3(d)
- • • example: tax consequences of partnership dissolution, 11.2.3(d)
- •••• joint venture, creating, 11.2.3(d)
- •••• liabilities of partnership to be paid or personally assumed, 11.2.3(d)
- •••• two former partners carry on business of former partnership, 11.2.3(d)
- ••• transfer to another Canadian partnership, 11.2.3(b)
- •••• tax-deferred rollover, 11.2.3(b)
- ••• transfer to sole proprietorship, 11.2.3(c)
- •••• partial rollover, 11.2.3(c)

- •••• sole proprietor treated as acquiring assets at their "cost amount", 11.2.3(c)
- ••••• "cost amount" defined, 11.2.3(c)
- transfer of property from partnership to corporation, 11.2.2
- transfer of property to partnership, 11.2.1
- • contribution of Canadian resource property, 11.2.1(c)
- • contribution of depreciable property, 11.2.1(d)
- • cost of boot and partnership interest, 11.2.1(e)
- • examples, 11.2.1(f)
- •••• two Canadian residents (A and B) forming general partnership, 11.2.1(f)
- ••••• A contributing mineral lease and B contributing financing, 11.2.1(f)
- •••••• A and B electing to transfer mineral lease at \$1, 11.2.1(f)
- ••••• A contributing lease subject to mortgage, 11.2.1(f)
- • • • elected amount exceeding fair market value, 11.2.1(f)
- ••• general rule, 11.2.1(a)
- ••• subsection 97(2) tax-free contribution, 11.2.1(b)
- •••• election, joint, 11.2.1(b)
- ••••• late elections, 11.2.1(b)
- • • transfer to first partnership, 11.2.1(b)
- •••• tax-deferred contribution of property to partnership, 11.2.1(b)
- ••••• requirements to be met for rollover, 11.2.1(b)
- non-resident partners, tax returns of, 11.8
 generally, 11.8.1
- sale by partnership, 11.8.2
- sale of partnership interest, 11.6
- sale by Canadian resident, 11.6.1
- ••• special rules affecting computation and timing of gains and losses, 11.6.1
- •••• disposition from depreciable property and non-capital property, 11.6.1
- • • disposition of part of partnership interest, 11.6.1

 •••• where funds contributed by new partner not left in partnership, 11.6.1 ••• disposition of partnership interest, 11.6.1 ••• disposition to tax-exempt or non-resident person, 11.6.1 • sale by non-resident, 11.6.2 •• "taxable Canadian property", 11.6.2 •• U.S. resident not having treaty protection, 11.6.2 two-tier partnership, 11.4 	 • double taxation for personal income tax, 13.2 • northern regions or territories, 13.2 • powers derived from federal government, 13.2 • provinces agreeing not to enact income tax in return for "rent", 13.2 • provinces having limited tax power, 13.2 • "direct taxation", 13.2 • "provincial purpose", 13.2 • "within the province", 13.2
 Pre-production exploration-stage expenses British Columbia, 13.3 Canadian Development Expense (CDE), 12.4.3 Canadian Exploration Expense (CEE), 12.4.1, 12.4.3 flow-through mining expenditure, 12.4.2 history, 3.2 legal analysis, 1.9.3 provincial flow-through share tax credits, 12.9.4 Saskatchewan, 13.6 	 provinces now levying personal income tax as percentage of federal tax, 13.2 tax on net income (TONI) system, 13.2 introduction, 13.1 Northwest Territories, 13.4 Ontario, 13.5 amalgamation, 13.5 <i>Corporations Tax Act</i>, 13.5 harmonization of provincial and federal taxes, 13.5 <i>Taxation Act, 2007</i>, 13.5 Saskatchewan, 13.6 ore, definition, 13.6
 Property interests See Mineral property interests Prospectors and grubstakers, 2.5 See also Classification of taxpayer Provincial income taxes 	 potash, definition, 13.6 manufacturing and processing, 13.6 manufacturing and processing investment tax credit (M&P ITC), 13.6 "prime metal stage equivalent", 13.6 wind-up, 13.5
 British Columbia, 13.3 corporate tax, 13.3 adjusted taxable income, 13.3 mining exploration tax credit (METC), 13.3 notional tax, 13.3 two pools of deductions: federal and provincial, 13.3 history, 13.2 corporate income tax system, 13.2 "agreeing provinces", 13.2 federal tax abatement for income earned in province, 13.2 whether corporation having "permanent establishment" in province, 13.2 "non-agreeing" provinces, 13.2 federal allocation rules, 13.2 	 Provincial levies and resource allowance introduction, 5.1 flat charge per ton on ore removed, 5.1 royalties on petroleum production, 5.1 tax on gross production unconstitutional as "indirect tax", 5.1 tax on "mining profit" constitutional as "direct tax", 5.1 whether deductible as laid out "for purpose of earning income", 5.1 mining taxes, problem with, 2003, 5.1.7 period of 1944-1948, 5.1.1 deduction for mining tax on profits, 5.1.1 full deduction not allowed, 5.1.1 period of 1949-1967: Regulation 701 formula, 5.1.2

I-13 (Taxation of Canadian Mining) (2023-1)

- • proportion of mining taxes deductible based on formula, 5.1.2
- • mismatch of numerator and denominator for various reasons, 5.1.2
- • random working of formula among provinces, 5.1.2
- Regulation 701 being arbitrary and unsatisfactory, 5.1.2
- period of 1974-2003, 5.1.5
- • deduction denied for provincial royalties and taxes on resource production, 5.1.5
- • mining taxes on profits becoming completely non-deductible, 5.1.5
- • "resource allowance" deduction, 5.1.5
- • amendments to federal resource allowance regime, 5.1.5
- •••• deductions respecting use of property or services provided by non-arm's length party, 5.1.5
- •••• every deduction virtually included in calculating "resource profits", 5.1.5
- •••• inclusion of 25 per cent of resource losses, 5.1.5
- •••• "resource profits" being those derived from "resource activities", 5.1.5
- • investment encouraged by excluding certain expenses from "resource profits", 5.1.5
- • "resource profits" from production receiving restricted interpretation, 5.1.5
- • 25 per cent of resource production profits, 5.1.5
- • Syncrude Remission Order, 5.1.5
- problems with mining taxes, 5.1.7
- • current deduction limited to mining of industrial minerals, 5.1.7
- • definitions
- ••• "eligible tax", 5.1.8
- ••• "income", 5.1.8
- ••• "mine", 5.1.8
- • limitation in section 3900 being inappropriate, 5.1.7
- • mining tax only deductible if tax imposed on persons engaged in mining operations, 5.1.7
- • • mineral rights tax not contingent upon production, 5.1.7

- ••• taxpayer should not be prevented from deducting full amount of taxes, 5.1.7
- • proposed deductibility of provincial mining taxes, 5.1.7
- • proposal resurrecting former section 701 of Regulations, 5.1.7
- • proposed amendment repealing definition of "minerals", 5.1.7
- • suggested approach, 5.1.8
- ••• Saskatchewan potash production, 3.1.8
- taxes on mining income serving similar purpose to provincial resource royalties, 5.1.7
- proposals of 2003, 5.1.6
- • arbitrariness of resource allowance, 5.1.6
- • "new economic realities", 5.1.6
- • metal prices declining and market pressures to be competitive, 5.1.6
- • oil and gas markets deregulated and prices fluctuating, 5.1.6
- • phasing in of deduction for actual provincial royalties and mining taxes, 5.1.6
- ••• "transition path" proposed, 5.1.6
- provincial levies: deductibility, 5.3
- • acquisitions from Crown, 5.3.6
- • taxpayer deemed to have acquired at fair market value, 5.3.6
- • definitions, 5.3.2
- ••• "Crown", 5.3.2
- ••• "Crown body", 5.3.2
- ••• "Crown levies", 5.3.2
- • dispositions to Crown, 5.3.5
- ••• rules for determining fair market value, 5.3.5
- ••• taxpayer deemed to receive fair market value, where proceeds for less, 5.3.5
- • paragraph 12(1)(o), 5.3.4
- ••• counterpoint to paragraph 18(1)(m)
- • paragraph 18(1)(m), 5.3.3
- ••• Canadian Exploration Expense (CEE), 5.3.3
- •••• annual rental payments, whether included, 5.3.3
- • Canadian Development Expense (CDE), 5.3.3
- •••• exclusions, 5.3.3

- ••• Crown levies, no deduction to be made for any, 5.3.3
- •••• certain amounts exempted, 5.3.3
- ••• payments to Crown for normal commercial transactions deductible, 5.3.3
- • Part II tax, 5.3.8
- ••• transfer of producing oil and gas wells to tax-exempt entity, 5.3.8
- remission orders and former Canada-U.S. Treaty, 5.3.9
- • permanent establishment in Canada, 5.3.9
- •••• deduction of all expenses, wherever incurred, reasonably allocable to, 5.3.9
- •••• whether Crown levies being expenses reasonably allocable, 5.3.9
- • section 80.2: reimbursement, contribution or allowance, 5.3.7
- • statutory provisions, 5.3.1
- • amendments of 2003 permitting deductions of Crown levies after phase-out period, 5.3.1
- ••• specific changes, 5.3.1
- ••• transition period, 5.3.1
- provincial mining taxes
- • deductibility, 5.1.8
- resource allowance, 5.2
- • "adjusted resource profits", 5.2.3
- ••• add-backs, 5.2.3
- • deductions, 5.2.3
- •••• partnership, taxpayer's share of income or loss from, 5.2.3
- •••• "specified royalty" income, 5.2.3
- • amount of resource allowance, 5.2.4
- ••• resource allowance formula, 5.2.4
- •••• Canadian Exploration and Development Overhead Expense (CEDOE), 5.2.4
- • "gross resource profits", 5.2.1
- • income and losses from specific sources, 5.2.1
- •••• concept of "production" as source of income, 5.2.1
- • notional, 13.6
- • percentage amount claimed being reduced, 5.2
- • resource loss, 5.2.5
- • "resource profits", 5.2.2

- ••• deductions, 5.2.2
- • • exclusions from Part I deductions, 5.2.2
- •••• "resource activity", 5.2.2
- Royal Commission of 1964-1966, 5.1.3
- • problems with Regulation 701, 5.1.3
- • recommendations of Royal Commission, 5.1.3
- ••• full deductibility as alternate solution, 5.1.3
- Royalties, 5.1.9
- • deductibility of, 5.1.9
- •• forms of, 5.1.9
- • inclusion in income, 5.1.9
- tax reform of 1971, 5.1.4
- • no deductibility of provincial taxes, but increased federal abatement, 5.1.4

Provincial mining taxes

- British Columbia mineral tax, 14.3
- • assessment and reassessment, 14.3.9
- ••• two levels of appeal, 14.3.9
- •••• appeal to B.C. courts, 14.3.9
- •••• appeal to minister, 14.3.9
- • • appeal from minister's decision, 14.3.9
- • books and record, 14.3
- • calculation of tax, 14.3.4
- ••• cumulative expenditure account (CEA), 14.3.4(d)
- ••• cumulative tax credit account, 14.3.4(a)
- • net current proceeds, 14.3.4(c)
- • net revenue, 14.3.4(b)
- • • exploration investment allowance, 14.3.4(b)
- ••••• prescribed allowance for new mines, 14.3.4(b)
- •••• "hedging activities" excluded, gains and losses from, 14.3.4(b)
- • • prescribed costs and expenses, 14.3.4(b)
- ••••• exploration costs, 14.3.4(b)
- •••••• allocation to mine, 14.3.4(b)
- ••••• election by operator, 14.3.4(b)
- ••••• exploration account, 14.3.4(b)
- • • preproduction discovery costs, 14.3.4(b)
- ••• privately owned minerals, 13.3.3
- I-15 (Taxation of Canadian Mining) (2023-1)

- ••• depreciation and processing allowance, 14.2.5(c)
- • • allowable depreciation for mining asset, 14.2.5(c)
- ••••• undepreciated capital cost, 14.2.5(c)
- •••• government assistance, capital cost reduced by, 14.2.5(c)
- • • prescribed processing allowance, 14.2.5(c)
- •••• processed by another person, where, 14.2.5(c)
- ••••• processed only in concentrator in Canada, where, 14.2.5(c)
- ••••• "processing" defined, 14.2.5(c)
- • • reduction where output leaving Canada prior to final stage, 14.2.5(c)
- • inclusions, 14.2.5(a)
- •••• hedging, 14.2.5(a)
- •••• "proceeds" from mine, 14.2.5(a)
- ••• losses, 14.2.5(e)
- ••• remote mine profit, 14.2.5(d)
- •••• formula, 14.2.5(d)
- • remote mine exemption, 14.2.4
- • tax rate, 14.2.2
- ••• formula, 14.2.2
- Saskatchewan Potash Taxation, 14.5
- • capital tax, 14.5.4
- •• potash, 14.5.1
- • potash mining tax, 14.5.3
- ••• mineral rights tax, 14.5.3
- ••• potash production tax, 14.5.3
- • potash royalties, 14.5.2
- • resource surcharge, 14.5.4

"Qualifying environmental trust" legislative scheme, 6.5 See also Reclamation funding

- "prohibited investment", defined, 6.5
- • "excluded trust", 6.5
- • "qualified investment", 6.5
- • "significant interest", 6.5
- • "specified shareholder", 6.5

Reclamation funding

- assumption of future reclamation in asset sale, 6.6
- • assumption ought not to be regarded as additional proceeds of disposition, 6.6

- ••• feasibility and environmental studies, 3.3.2
- • CRA's earlier position being appropriate, 6.6
- • CRA's recent position, 6.6
- ••• suggested approach, 6.6
- • right result, 6.6
- • "contingent liabilities assumed " on asset conveyances, 6.6
- Daishowa
- • further implications, 6.6.4
- • payments other than a sale, 6.6.5
- • prior to Supreme Court decision, 6.6.2
- • Supreme Court decision, 6.6.3
- deductibility of reclamation costs incurred, 6.2
- • as current business expense, 6.2
- meaning of "reclamation", 6.2
- • ordinary operating cost fully deductible on income account, 6.2
- industry background, 6.1
- non-deductibility of future reclamation estimate, 6.3
- deduction disallowed in respect of expense that was "reserve" or "contingent liability", 6.3
- • deduction disallowed unless "incurred", 6.3
- • refundable security deposit not deductible, 6.3
- "qualifying environmental trust" legislative scheme, 6.5
- •• "cleanup" of mining sites, facilitating, 6.5
- • consequences of trust ceasing to be qualifying environmental trust, 6.5
- • contributions and withdrawals, 6.5
- • limited partnerships, 6.7
- • "operation of a mine" not defined, 6.5
- ••• broader interpretation preferred, 6.5
- • positive elements required, 6.5
- • "site", meaning of, 6.5
- • special tax of trust income, 6.5
- • subject to refundable tax credit to corporate beneficiary, 6.5
- •••• example of mechanism, 6.5
- • trusts not qualifying, 6.5
- reclamation trust concept, 6.4
- mining reclamation trusts, provinciallymandated, 6.4
- I-17 (Taxation of Canadian Mining) (2023-1)

••• contributions deductible, 6.4

Reorganization, corporate

- affiliated persons, 10.9
- • accrued gains, 10.9.1
- • accrued losses, 10.9.2
- amalgamation, 10.5
- • continuity of assets, liabilities and shareholders, 10.5
- • special rules for certain amalgamations, 10.5
- • "subsidiary wholly-owned corporation" involving, 10.5
- •••• defined, 10.5
- •••• successor rules not applying, 10.5
- successor corporation rules generally applying, 10.5
- • two or more taxable Canadian corporations, 10.5
- change of control, 10.8
- • capital losses, 10.8.3
- ••• accrued capital losses, 10.8.3
- •••• accrued losses used to increase adjusted capital cost base of property with gain, 10.8.3
- ••• definition, 10.8.3
- • none of capital losses available for carryforward or carried back, 10.8.3
- • depreciable property, 10.8.4
- ••• anti-avoidance provision, 10.8.4
- •••• preventing acquisition of depreciable property in anticipation of change of control, 10.8.4
- •••• preventing acquisition of potential terminal loss in its depreciable property, 10.8.4
- • non-capital losses, 10.8.2
- • deductions allowed in two limited circumstances, 10.8.2
- • none of capital losses available for carryback and deduction, 10.8.2
- ••• where control of parent or subsidiary acquired, 10.8.2
- • "restart" transactions, 10.8
- • taxation year-end, 10.8.1
- transfers of losses, deductions and credits limited, 10.8
- divisive reorganization (butterfly), 10.7

- • advance income tax rulings advisable, 10.7
- • distribution of assets of corporation to its corporate shareholders, 10.7
- ••• tax-deferred basis, 10.7
- property transferred in proportion to the shareholder's proportionate ownership, 10.7
- steps that shareholder corporations taking in effecting reorganization, 10.7
- introduction, 10.1
- liquidation, 10.6
- • bump and partnerships, 10.6.2
- ••• application of s. 88(1)(d)(ii.1), 10.6.2
- ••• partnership interest, denial of, 10.6.2
- • subsection 88(1) wind-up, 10.6.1
- ••• cost of qualifying capital property, increasing, 10.6.1
- ••• no change in CCDE of subsidiary or to parent's account, 10.6.1
- ••• other properties deemed to be disposed of for "cost amount", 10.6.1
- • resource properties distributed to parent deemed to be for no proceeds, 10.6.1
- ••• where subsidiary wound up, 10.6.1
- • taxable liquidation, 10.6.3
- rollover concept, 10.2
- section 85 rollovers, 10.3
- • general rules, 10.3.3
- ••• elected amount, 10.3.3.3(b)
- • • balance of transferor's CCDE account, 10.3.3(b)
- •••• Canadian resource property, 10.3.3(b)
- •••• "eligible property", 10.3.3(b)
- •••• equal to aggregate of vendor's CCEE and CCDE pools, 10.3.3(b)
- ••••• conversion to purchaser's CCDE account, 10.3.3(b)
- ••••• avoidance by successor election, 10.3.3(b)
- • • fair market value, not exceeding, 10.3.3(b)
- •••• foreign resource properties, 10.3.3(b)
- •••• nominal amount, 10.3.3(b)
- •••• restrictions, 10.3.3(b)
- ••••• non-share consideration, 10.3.3(b)

- •••• vendor not required to include any amount in its income, 10.3.3(b)
- ••• key conditions, 10.3.3(a)
- ••• miscellaneous considerations, 10.3.3(c)
- • subsection 85(1), 10.3.1
- ••• foreign resource property not "eligible property", 10.3.1
- ••• non-residents, disposition by, 10.3.1
- ••• "taxpayer" defined, 10.3.1
- ••• transfer to taxable Canadian corporation, 10.3.1
- • subsection 85(2), 10.3.2
- ••• partnership, transfer by, 10.3.2
- share for sale exchange, 10.4
- • rule not applying if certain conditions present, 10.4

Resource allowance *See* Provincial levies and resource allowance

Royalties, 1.8

- amendment, proposed, 1.8
- CRA policy, 1.8
- "deductibility" of royalty payments, 1.8
- defined, 1.8
- forms of royalty, 1.8
- right to, 1,7, 1.8
- royalty holder, 1.8
- "royalty interest", defined, 1.8

Sale of mining properties

- actual sale, 8.3
- • basic rules, 8.3.1
- ••• Canadian resource property, 8.3.1(a)
- •••• income included from proceeds being negative balance of CCDE account, 8.3.1(a)
- •••• proceeds of sale reducing CCDE account to extent proceeds receivable, 8.3.1(a)
- ••••• receivable amount when collectible right to amount acquired, 8.3.1(a)
- ••• carve-out, 8.3.1(d)
- •••• attractiveness declining, 8.3.1(d)
- •••• judicial basis for carve-outs, 8.3.1(d)
- ••• employee royalty interests, 8.3.1(e)
- ••• farm-out, 8.3.1(c)
- •••• farm-out transactions, 8.3.1(c)
- ••••• CRA's assessing policy, 8.3.1(c)

- •••••• Interpretation bulletin, examples in, 8.3.1(c)
- •••••• equipping costs", 8.3.1(c)
- ••••••• "unproven resource property", 8.3.1(c)
- • • depreciable property, uncertainty arising with, 8.3.1(c)
- • • income tax characterizations of transactions, three possible, 8.3.1(c)
- • • simple, typical and widespread farm-outs not giving rise to proceeds, 8.3.1(c)
- •••••• widespread farm-outs treated as disposition where not unproven property, 8.3.1(c)
- ••• foreign resource property, 8.3.1(b)
- • contingent consideration, 8.3.7
- Crown, transaction with, 8.3.4
- • expropriation of resource property, 8.3.6
- ••• election under s. 59.1 providing special rules for computing income, 8.3.6
- • • proceeds of disposition excluded where proceeds spent on CEE or CDE, 8.3.6
- ••••• CEE or CDE to be incurred in ten year period, 8.3.6
- •••• trader or dealer, sale by, 8.3.2
- ••• inventory in hands of trader or dealer, 8.3.2
- ••• profit on disposal treated as disposal of other types of inventory, 8.3.2
- transfer at other than fair market value, 8.3.3
- ••• deemed to receive proceeds at not less than fair market value, 8.3.3
- • trust or estate, distribution from, 8.3.5
- • deemed disposition rules for trusts, 8.3.5
- ••• deemed taxation year, 8.3.5
- ••• proceeds deemed equal to cost amount to trust, 8.3.5
- deemed sale, 8.4
- • death, 8.4.1
- • deemed proceeds of disposition of resource properties, 8.4.1
- • • amounts in CCEE or CCDE no longer deductible, 8.4.1
- I-19 (Taxation of Canadian Mining) (2023-1)

- ••• spousal rollover, 8.4.1
- • deemed carrying on business, 8.4.4
- non-resident ceasing to carry on business, 8.4.3
- • deemed disposition of royalty in cessation of business, 8.4.3
- ••• sale of working interests in exchange for royalty being taxable, 8.4.3
- • resident, ceasing to be, 8.4.2
- history, 8.2
- introduction, 8.1
- • capital gain not generated, 8.1
- withholding on sale by non-resident, 8.5
- certificate protecting purchaser from tax liability, 8.5
- ••• "certificate limit", 8.5
- • non-resident furnishing security to minister as alternative, 8.5

Successor rules

- anti-avoidance, 9.8
- where acquisition's purpose being to avoid limitation on deductibility of resource expenses, 9.8
- control, acquisition of, 9.7
- accumulated resource expenses able to be deducted against income, 9.7
- • amalgamation, 9.7
- • "control", meaning of, 9.7
- corporation as member of partnership, 9.7
- • corporation deemed to own its percentage share of properties, 9.7
- • parent and subsidiary, 9.7
- • parent and two wholly-owned subsidiaries, 9.7
- • parent and wholly-owned subsidiary, 9.7
- • designation of portion of income between them, 9.7
- • two levels of ownership, 9.7
- definitions, 9.3
- • "original owner", 9.3
- ••• partnership not included, 9.3
- ••• "person" as defined in s. 248, 9.3
- • "predecessor owner", 9.3
- ••• intermediary corporation, 9.3
- • "production", 9.3
- • "reserve amount", 9.3

- expenses carried over, 9.5
- Canadian Development Expenses (CDE), 9.5.2
- Canadian Exploration Expense (CEE), 9.5.1
- Cumulative Foreign Resource Expense (CFRE), 9.5.3
- • deduction, order of, 9.5.5
- Foreign Exploration and Development Expense (FEDE), 9.5.3
- • generally, 9.5
- • original owner and predecessor owner, 9.5.4
- ••• amalgamation or merger, 9.5.4
- ••• election not to claim all or portion of CCEE and CCDE account, 9.5.4
- • preserving pre-succession resource accounts, 9.5.4
- ••• non-arm's length transaction, 9.5.4
- • • successor not allowed to claim inherited CCDE account in first year, 9.5.4
- ••• transferor's CFRE reduced to nil after succession, 9.5.4
- •••• elect to reduce specified amount so that CFRE available to successor, 9.5.4
- •••• example in Technical notes, 9.5.4
- ••• transferor not deduct FEDE in year of disposition, 9.5.4
- ••• transferor's remaining CCDE used as basis for deduction, 9.5.4
- ••• transferor's remaining CCEE used to reduce amount included in income, 9.5.4
- history, 9.2
- changes in 1987 to successor corporation rules, 9.2
- • generally accumulated business losses carried forward after change of control, 9.2
- ••• deducted against revenues derived from "same or similar" businesses, 9.2
- • successor rules more restrictive, 9.2
- ••• successored resource expenses applied on property specific basis, 9.2
- introduction, 9.1
- • "ring-fenced" effect, 9.1
- partnerships, selected points, 9.9
- • "look-through rule", 9.9

- prerequisites for successor corporation rules, 9.4
- • acquisition by successor corporation, 9.4
- • "all or substantially all" of Canadian resource properties acquired, 9.4
- • election filed with minister, 9.4
- • resource accounts, rules required to apply to all or none of, 9.4
- • rules not applying in transactions involving certain affiliated corporations, 9.4
- qualifying income, 9.6
- Cumulative Canadian Development Expense (CCDE), 9.6.2
- Cumulative Canadian Exploration Expense (CCEE), 9.6.1
- ••• successor rules, 9.6.1
- Cumulative Foreign Resource Expense (CFRE), 9.6.3
- • Foreign Exploration and Development Expense (FEDE) and FRE, 9.6.3
- • operation of concepts illustrated in Technical Notes, 9.6.3
- • qualifying income for deduction of successor FEDE, 9.6.3
- • ten per cent minimum relating to maximum deductions, 9.6.3
- •••• operation of provision by example in Technical Notes, 9.6.3
- ••• unused amount of successor FRE able to be deducted against ringed-fence income, 9.6.3

Tax rates and tax credits

- Federal Budget of 2003, 7.1
- deduction of provincial and other Crown royalties, 7.2
- federal corporate income tax rate reductions, 7.2
- • transition path for phase-in, 7.2
- introduction, 7.1
- • base federal corporate income tax rate, 7.1
- • income from Canadian mining, 7.1
- ••• manufacturing and processing, 7.1
- ••• gross revenues less deductions, 7.1
- • resource allowance, 7.1
- • deduction against "resource profits", 7.1

- rate reductions, statutory scheme for, 7.3
- • general rate reduction, 7.3.1
- ••• taxable resource income, 7.3.1
- • transitional rate reduction, 7.3.2
- • "resource rate reduction percentage" increasing, 7.3.2
- ••• "taxable resource income" being lesser of two amounts, 7.3.2
- Federal Budget of 2006, 7.3.1
- • rate reductions, 7.3.1
- tax credits, 7.4
- • Atlantic region expense, 7.4.3
- ••• "qualified property" acquired for use in Atlantic region, 7.4.3
- •••• machinery and equipment, 7.4.3
- • tax credit reducing capital cost for purpose of claiming CCA, 7.4.3
- • pre-production mining expenses, 7.4.1
- ••• "investment tax credit", 7.4.1
- • pre-production mining expenditures, 7.4.1
- scientific research and experimental development (SR&ED), 7.4.2
- ••• "qualified expenditure" defined, 7.4.2
- •••• exclusions, 7.4.2
- • qualified expenditure pool, 7.4.2
- •••• formula, 7.4.2

(Taxation of Canadian Mining) (2023-1)