INDEX

21-year rule, 2.2, 4.2.1, 7.1.2

Abbreviations, ABBR-1

Adjusted cost base, 4.2.12

Agency, 2.1

Allocation, Redeemer

- capital gains, 4.2.15
- income, redeeming unitholders, 4.2.15

Alternative minimum tax, 4.2.2

Anti-avoidance rule, 2.2.2, 2.3.1, 4.2.3

Appeal process, 12.6

- Appeal, 12.6.3
- Assessments, 12.6.1
- Objections, 12.6.2

Attribution rules, 2.3.1, 2.3.3, 4.2.3

Block of units

• Defined, 4.3.4(b)(iii)

British funds, 1.4

Bullion, 4.3.4(a)

Canadian securities, 4.2.5, 4.7.1

Canadian Service Provider, See also Carrying on business in Canada

• Defined, 12.7.2

Capital deduction, 8.3

Capital gains

- Distributions to non-residents from trusts, 2.2.9(b)
- Split share corporations, 8.7

Capital gains dividend, 3.3.2, 3.3.3

- Labour-sponsored venture capital corporations, 11.10
- Split share corporations
- • Stock dividends, 8.6

Capital gains dividend account, 5.2.1

Capital gains redemptions

• Mutual fund corporations, 5.2.2

• Mutual fund trusts, 4.4

Capital Gains Refund Mechanism, 4.2.14

Capital loss, 2.2.4, 4.5

Capital tax

- Mutual fund trusts, 4.2.11
- Split share corporations, 8.3

Carrying on business in Canada

- Background on, 12.7.1
- Section 115.2, 12.7.2
- Summary, 12.7.4
- Treaty relief, 12.7.3

Carter Commission, 2.3.1

Clearance certificate, 2.2.9(d), 4.2.4, 4.2.6, 5.2.10, 6.3

Clone funds, 12.5

Common share, 3.1.4(b)

Corporations

- Financial intermediary corporation (FIC), 8.2
- Insider of, 3.1.4(c)
- Investment corporations, See Investment corporations
- Labour-Sponsored Venture Capital Corporations, See Labour-Sponsored Venture Capital Corporations
- Mortgage investment corporations, See Mortgage investment corporations
- Mutual fund corporations, See Mutual fund corporations
- Public corporations, See Public corporations
- Split share corporations, See Split share corporations

Deed of settlement company, 1.2.2

Designated beneficiary, 2.2.8, 4.2.3

Designated income, 2.2.8, 4.2.3

Designated investment services, 12.7.2

Differing management fees, 12.2

- Class T Units, 12.2.1
- •• interest deductibility, borrowed money, 12.2.1

Dividend Reinvestment Plans (DRIPs), 6.4

Double taxation, 4.1, 4.2.12

Equity share, 3.1.4(b)

Excluded dividend, 8.2

Fair market value (FMV), 4.3.3(a)(ii)

• Flow-through investment vehicles, 3.3

Foreign Account Tax Compliance Act (FATCA), 12.8

- background, 12.8.1
- Canadian investment funds, 12.8.2
- • investment entity, defined, 12.8.2
- • listed financial institution, defined, 12.8.2
- • reporting Canadian financial institution (CFI), defined, 12.8.2
- foreign financial institution (FFI), 12.8.1
- • consequences of not joining, 12.8.1
- intergovernmental agreement (IGA), 12.8.1
- loss restriction event rules, 12.9
- • investment fund, 12.9
- loss restriction event (LRE), defined, 12.9
- • majority interest beneficiary, 12.9
- • majority interest group of beneficiaries, 12.9
- • non-portfolio property, 12.9
- • portfolio investment fund, 12.9
- ••• portfolio investment entity, 12.9
- obligations, 12.8.3
- OECD Common Reporting Standard, 12.8.4
- • annual reporting to CRA, 12.8.3(f)
- • due diligence, financial accounts, 12.8.3(b)
- • exclusions, 12.8.3(b)
- • due diligence, procedure, 12.8.3(c)
- • due diligence, timelines, entity accounts, 12.8.3(e)

- • due diligence, timelines, personal accounts, 12.8.3(d)
- • Global Intermediary Identification Number (GIIN), defined, 12.8.3(a)
- • IRS registration, 12.8.3(a)

Foreign property

- rules, 7.1, 7.1.3
- status, 4.2.10

Forms

- Application for registration as registered investment, page C-3
- Election to be a public corporation, page C-1

Income splitting, 2.3.1, 2.3.2

Income Tax Act, page A-1

- Part VI.1 tax, 8.2
- Part XII.2 tax, 2.2.8, 4.2.3
- Regulations, page A.1-1
- •• s. 105, 4.7.4
- • s. 4801, 4.3.4(b)
- s. 4803(2), 4.3.4(b)(i)
- s. 9(1), 4.7.1, 4.7.2
- s. 20(1)(c), 12.2.1
- s. 39(4), 4.2.5, 4.7.1
- s. 69(1)(a), 7.1.4
- s. 75(2), 2.2, 2.2.2, 2.3, 4.1
- • application of, 2.3.3
- •• general, 2.3.1
- • history of, 2.3.2
- s. 84, 5.2.7
- s. 84.1, 7.3
- s. 86(1), page 10-1
- s. 87(1), page 10-1
- s. 104(1), 2.1, 2.1.1
- s. 104(2), 2.1.4, 2.2.3.(b)
- s. 104(6), 2.2.3(c), 2.2.5, 4.2.15
- s. 104(6)(b), 4.2.15, 12.2.1
- s. 104(7.1), 12.2.1
- s. 104(13), 2.2.3(c)
- s. 105(1), 2.2.3(c)
- s. 104(19), 2.2.5
- s. 104(21), 2.2.5
- s. 104(22), 2.2.5
- s. 104(22.1), 2.2.5
- s. 106, 2.2.6

- s. 107(1)(a), 2.2.6
- s. 107(1)(c), 2.2.6
- s. 107(1.1), 2.2.6
- s. 107(6), 2.2.2
- s. 108(1), 2.1, 2.1.3, 2.2.6
- s. 108(2)(a), 2.1.5, 4.3.2
- s. 108(2)(b), 2.1.5, 4.3.3
- s. 112(1), 2.2.5
- s. 116, 2.2.9(d), 4.2.4, 4.2.6, 5.2.10, 6.3
- s. 131(4.1), page 10-1
- s. 132(5.3), 4.3.1
- s. 132(6.1), 4.3.4(d), 4.3.4(e)
- s. 132(6.2), 4.3.4(e)
- s. 132(7), 4.2.3
- s. 132.2, 4.5, page 10-2 to 10-3
- s. 142.2, 5.2.11
- s. 204.6(1), 4.2.8
- s. 206.1, 8.5
- s. 248(1), 2.1.1, 2.1.2, 2.1.3, 2.2.1, 2.2.3(b)

Income Tax Folios

• S1-F5-C1 - Related Persons and Dealing at Arm's Length, 2.2.3

Income Tax Regulations

- 4801(a), 4.3.4(b)(ii)
- 4803(2)(a), 4.3.4(b)(ii)
- 4803(3), 4.3.4(b)(iv)

Income Trusts, 9

- · Classification of
- • Fund, 7.1.1
- • Trust, 7.1.2
- Converting company into, 7.3
- Converting to public corporation, 7.6
- • Distribution method, 7.6.2
- • Exchange method, 7.6.1
- Cross-border, 7.2
- Foreign property issues, 7.1.3
- Issues with notes, 7.1.4
- Non-portfolio property, 7.0
- Proposed new tax regime, 7.0
- Royalty trusts, 7.5
- SIFT, 7.0
- Stock options, 7.3
- Tax integration, 3.2.2
- Tax issues
- • In specie distributions, 7.4.2

- • Returns of capital, 7.4.1
- Tax shelter rules, 7.1.5
- Trust on corporation structure, 7
- Trust-on-trust on partnership structure, 7.1, 7.3

Income War Tax Act, 1.5

Insider of corporation, 3.1.4(c)

Interpretation Bulletins

- IT-98R2 Investment Corporations, 4.3.3(a)(i), 4.3.3(a)(ii), page B-1
- IT-286R2 Trusts Amount Payable, page B-3
- IT-419R2—Meaning of Arm's Length [Cancelled], 2.2.3

Investment allowance, 8.3

Investment corporations, 3.4, page B-1

Joint stock companies

• Emergence of, 1.2.1

Labour-Sponsored Venture Capital Corporations (LSVCCs)

- Federal penalty taxes, 11.4
- General, 11.1
- Investment restrictions, 11.3
- Mergers, 11.11
- Registration requirements, 11.2
- RRSP eligibility, 11.9
- Restrictions
- • Redemption by holders, 11.7
- • transfers, 11.6
- Revocation of registration, 11.5
- Tax credits available, 11.8
- Taxation of, 11.10
- Termination, 11.11

Limited partnership units (LP units), 7.1, 7.1.4, 7.1.5

Mark-to-market rule, non-application of

- "eligible derivatives", examples, 4.2.7, 5.2.11
- mutual fund corporations, 5.2.11
- mutual fund trusts, 4.2.7

Marketable security

• defined, 4.3.3(a)(i)

Mergers, 2.2.2, 2.2.4, 4.5, 5.3.5

Mortgage investment corporations, 3.3

- Capital gains dividend, 3.3.2, 3.3.3
- Deemed dividend, 3.3.2
- Defined, 3.3
- Eligibility for investment, 3.3.4
- Qualifications, 3.3.1
- Taxation of, 3.3.2
- Taxation of shareholders of, 3.3.3

Mutual fund corporations

- Benefits
- • Capital tax issues, 5.2.6
- • Election, 5.2.9
- • Exclusion from section 84 treatment, 5.2.7
- • Exclusion from section 116 requirements, 5.2.10
- • Flow-through income, 5.2.1
- • Foreign property status, 5.2.5
- • Foreign reporting, 5.2.12
- • Non-application of mark-to-market rule. 5.2.11
- • Not taxable Canadian property, 5.2.8
- • Qualified investments status, 5.2.3
- • Refund mechanisms, 5.2.2
- Comparison with mutual fund trust, 5.3
- • Double taxation, 5.3.2
- • Flow-through of losses, 5.3.3
- • Liability, 5.3.1
- • Mergers of funds, 5.3.4
- • Transparency, 5.3.2
- Defined, 5.1
- Prohibited investment, 4.2.8, 4.2.9, 5.2.3
- Prohibited investment rules, 5.2.4
- Switch funds, 10.1.2

Mutual fund trusts, 2.1.5, 2.2.8

- 150 Beneficiary test, 4.3.4(b)(iv)
- Benefits, 4.2
- • Capital gains refund mechanism, 4.2.14
- • Capital tax, 4.2.11
- • Exclusion from s. 116 requirements,
- • Foreign property status, 4.2.10
- • Foreign reporting, 4.2.13

- • Non-application of "21-year rule", 4.2.1
- • Non-application of alternative minimum tax, 4.2.2
- • Non-application of mark-to-market rule, 4.2.7
- • Non-application of Part XII.2, 4.2.3
- • Not taxable Canadian property, 4.2.4
- • Reduction of cost base of capital interest, 4.2.12
- • Section 39(4) election, 4.2.5
- • Status as qualified investments for registered plans, 4.2.8
- Carrying on a business, 4.7.1
- Closed-ended unit trust, 4.3.2, 4.3.3
- • 10% test, 4.3.3(c)
- • 80% test, 4.3.3(a)
- ••• cost or fair market value, 4.3.3.(a)(ii)
- • marketable security, 4.3.3(a)(i)
- • 95% test, 4.3.3(b)
- Debt, as qualifying investment, 4.2.8
- Defined, 4.3.1
- Disposition of interests in, 2.2.6
- Excluded property, 2.2.9(d)
- Expenses, 4.7
- • Costs of issuing units, 4.7.3
- • Deductibility of, 4.7.2
- • Fees paid to non-residents, 4.7.4
- • Nature of income earned by fund, 4.7.1
- General, 4.1
- Group holdings, 4.3.4(b)(iv)
- Income trusts, See Income trust
- Losses, 2.2.4, 4.5
- Mergers of mutual funds, 4.5
- Open-ended unit trust, 4.3.2
- • limited redemption rights, 4.3.2
- • redeemable-on-demand, 4.3.2
- Prohibited investment rules, 4.2.9
- rules for units of "excluded property",
 4.2.9
- Qualifying exchange rules, 4.5
- Refunds, 4.4
- Requirements, 4.3
- • Closed-ended unit trust, 4.3.3, 7.1.1
- • Definition, 4.3.1

- • Open-ended unit trust, 4.3.2, 7.1.1, 7.1.2
- • "Lawful distribution" *Grenon* case, 4.3.4(b)(ii)
- • status, loss of, 4.3.2
- • balance, 4.3.4(e)
- • Unit fund trust as, 4.3.4
- Switch funds, 10.1.1
- Unit fund trusts, 4.3.4
- • Deemed mutual fund trust, 4.3.4(d)
- • Deeming rule, 4.3.4(e)
- • Dispersal requirements, 4.3.4(b)
- • Meaning of block of units, 4.3.4(b)(iii)
- • Qualified distribution, 4.3.4(b)(i)
- • Election, 4.3.4(d)
- • Limitation on non-resident beneficiaries, 4.3.4(c)
- • Restrictions on activities, 4.3.4(a)
- Withholding tax, 2.2.9(c)
- Year end designation, 4.6
- Year end distributions, 4.8

Mutual funds

- History of
- • British funds, 1.4
- • Deed of settlement company, 1.2.2
- • Dutch funds, 1.3
- • Introduction, 1.1
- • Joint stock companies, 1.2.1
- • North American funds, 1.5
- Mergers of funds, 2.2.2, 2.2.4, 4.5, 5.3.5
- Mutual fund corporations, See Mutual fund corporations
- Mutual fund trusts, See Mutual fund trusts

Non-portfolio property, 6.1

Non-residents, See also Mutual fund trust

- Beneficiary of trust, 2.2.8
- Benefits from a trust, 2.2.9(e)
- Borrowing from, 12.4
- Designated beneficiary, 2.2.8
- Disposing of taxable Canadian property, 4.3.4(c)
- Distributions of capital gains from trust, 2.2.9(b)

- Distributions of income from trust, 2.2.9(a)
- Distributions of interest in trust, 2.2.9(d)
- Distributions of returns of capital, 2.2.9(c)
- Fees paid to, 4.7.4
- Mutual fund trusts, See Mutual fund trusts
- Unit trusts, limitations on non-resident beneficiaries, 4.3.4(c)

North American Funds, 1.5

Offshore investment fund property, 12.1

Paid-up capital, 3.2.4

Public corporations

- Converting to public corporation, 7.6
- • Distribution method, 7.6.2
- • Exchange method, 7.6.1
- Defined, 3.1
- • General, 3.1.1
- • Resident in Canada, 3.1.2
- • Shares listed on prescribed stock exchange, 3.1.3
- Election to be public corporation, 3.1.4
- • Block of shares, 3.1.4(d)
- • Equity share, 3.1.4(b)
- • Insider of corporation, 3.1.4(c)
- • Qualified for distribution to public, 3.1.4(a)
- Election not to be public corporation, 3.1.5
- Investment corporations, See Investment corporations
- Mortgage investment corporations, See Mortgage investment corporations
- Taxation of
- • Capital taxes, 3.2.3
- • Integration of taxes, 3.2.2
- • Paid-up capital, 3.2.4
- • Tax rates, 3.2.1

Qualified investments, 12.7.2

Real Estate Investment Trusts (REITs), 2.2.9(b), 9, 12.4

• Direct ownership, 6.2

- Dividend Reinvestment Plans (DRIPs), 6.4
- Indirect ownership, 6.3
- Mutual fund trust qualification, 6.1
- Non-portfolio property, 6.1
- Non-residents
- • Distributions of returns of capital, 2.2.9(c)
- Redemptions, 6.3
- SIFTs, proposed new tax regime, 6.1
- Structure
- • Complex, 6.3
- • Simple, 6.2

Rebates, 12.2

Redeemer Allocation

- capital gains, 4.2.15
- income, redeeming unitholders, 4.2.15

Refundable capital gains tax on hand, 5.2.2

Refunds.

- Mutual fund corporations, 5.2.2
- Mutual fund trusts, 4.4

Registered investment, 4.2.8

• penalty reduction (proposed), 4.2.8

Registered Retirement Income Funds (RRIFs), 4.2.8, 7.1, 11.9

Registered Retirement Savings Plans (RRSPs), 7.1

- Labour-Sponsored Venture Capital Corporations, 11.10
- • Eligibility, 11.9
- • Tax credit, 11.8
- Mutual fund trust, 4.2.8, 4.3.4(d), 4.5

Return of capital

- Income trusts, 7.4.1
- Mutual fund trusts, 4.2.12

Rollovers, 2.2.1, 2.2.2

Segregated funds, 12.3

• Qualified investment status, 12.3.1

Shares

- Block of shares, 3.1.4(d)
- Capital shares, 8.2, 8.5
- • Voting rights on, 8.8

- Common shares, 3.1.4(b)
- Equity shares, 3.1.4(b), 3.1.5
- Listed on designated stock exchange, 3.1.3
- Preferred shares, 8.2
- Qualified for distribution to public, 3.1.4(a)
- Specified investment flow-throughs (SIFTs), 6.1, 7.0

Small business property, 11.9

Split share corporations

- Call option strategy, 8.7
- Capital gains, 8.7
- Capital deduction, 8.3
- Capital shares, voting rights on, 8.8
- Capital tax, 8.3
- Mutual fund corporation status, 8.1
- Part VI.1 tax, 8.2
- Stock dividends, cost of, 8.6
- Suspended loss rules, 8.4
- Tax under s. 206.1, 8.5
- Typical prospective disclosure, 8.9

Split trusts, 9

Stock dividends, 8.6

Stock options, 7.3

Suspended loss rules, 8.4

Switch funds

- Budget proposals to eliminate, page 10-1
- Increased turn over, 10.2.2
- Sharing tax attributes, 10.2.1
- Structure of
- • Mutual fund corporations, 10.1.2
- • Mutual fund trusts, 10.1.1
- Suspended loss rules, 10.2.4
- Switching vs redeeming, 10.2.3

Tax deferral, 4.5

• Merger rules, 4.5

Tax shelter rules

• Income trusts, 7.1.5

Taxable Canadian property (TCP)

- Disposition by non-resident beneficiaries, 4.3.4(c)
- Gains balance, 2.2.9(b)
- Gains distribution, 2.2.9(b)
- Income trusts, 7.1
- Mutual fund corporations, 5.2.8
- Mutual fund trusts, 4.2.4
- Trusts
- • Disposition by trust, 2.2.9(b)
- • Non-resident disposition of interest in a trust, 2.2.9(d)

Trusts

- Alter ego trust, 2.1.3
- Benefits from, 2.2.7
- Business trust, 7
- Characterization of, 2.2.3(b)
- Classification, 2.1
- Closed-ended unit trust, 4.3.3
- • 10% test, 4.3.3(c)
- • 80 % test, 4.3.3(a)
- ••• cost or fair market value, 4.3.3.(a)(ii)
- • marketable security, 4.3.3(a)(i)
- • 95% test, 4.3.3(b)
- • split trusts, 9
- Commercial, 2.1.5
- Computation of income tax, 2.2.3
- • Rules applicable, 2.2.3(c)
- • Taxation year, 2.2.3(a)
- • Taxed as individual, 2.2.3(b)
- • Residency, 2.2.3(b)
- Defined, 2.1.1
- Designated beneficiary, 2.2.8
- Discretionary trust, 2.3.3
- Disposition of interests in, 2.2.6
- Fixed investment trust, 7.2
- General taxation rules, 2.2
- Income trusts, See Income trusts
- *Inter vivos* trust, 2.1.3
- Losses, 2.2.4
- Mutual fund trust, See Mutual fund trust
- Non-resident beneficiary, 2.2.8
- • Benefits from trust, 2.2.9(e)
- • Distributions of capital gains, 2.2.9(b)
- • Distributions of income, 2.2.9(a)
- • Distributions of interest in trust, 2.2.9(d)

- • Distributions of returns of capital, 2.2.9(c)
- Open-ended unit trust, 4.3.2, 9
- Part XII.2 tax, 2.2.8
- Personal trust, 2.1.2, 7.1.2
- Preservation of source of income, 2.2.5
- Residency, 2.1.6, 2.2.3(b)
- Reversionary trusts, 2.3.1, 2.3.2, 2.3.3
- Royalty trusts, 7.5
- Split trusts, 9
- Spousal trusts, 2.1.3
- Testamentary trust, 2.1.4
- • changes to tax planning for 2016 and later years, 2.1.4
- • multiple trusts, 2.1.4
- Transfer of property
- •• From a trust, 2.2.2
- • To a trust, 2.2.1
- Unit trust, See Unit trust
- Variation of, 2.2.10
- Withholding tax, 2.2.8, 2.2.9(b), 2.2.9(c)

Undertaking of mutual fund trust, 4.3.4(a)

Unit trust, 2.1.5

- Redeemer allocation, 4.2.15
- Requirements to be a mutual fund trust, 4.3.4
- • Deemed mutual fund trust, 4.3.4(d)
- • Dispersal requirements, 4.3.4(b)
- • Meaning of block of units, 4.3.4(b)(iii)
- • Qualified distribution, 4.3.4(b)(i)
- • Limitation on non-resident beneficiaries, 4.3.4(c)
- • Restrictions on activities, 4.3.4(a)

Withholding tax, 2.2.8, 2.2.9(b), 2.2.9(c)

• Management or administrative fees, 4.7.4