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Schwartz

GAAR Interpreted: The General Anti-Avoidance Rule

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Highlights

Chapter 5 — Judicial Interpretation Case Law

- **The following cases have had further developments:**

Alta Energy Luxembourg S.A.R.L. v. The Queen was affirmed by the Federal Court of Appeal. Two issues were examined: what are the object, spirit, and purpose of articles 1, 4(1), and 13(4) and 13(5) of the Treaty, and did the courts err in concluding that the avoidance transaction in this case did not result in an abuse of those provisions?

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Deans Knight Income Corporation v. The Queen, was reversed by the Federal Court of Appeal where the issue of whether the transactions were abusive of subsection 111(5) of the *Income Tax Act* was addressed.

Chapter 9 — Bibliography has been updated.