

TABLE OF CONTENTS

CHAPTER 1 — INTRODUCTION	1
CHAPTER 2 — GENERAL CONCEPTS	5
2.1 Separate Entities	7
Exhibit 2A — Example of Separate Taxpayers	11
2.2 Legal Basics	11
2.3 Integration	13
Exhibit 2B — Example of Integration	15
2.4 Non-monetary Transactions	16
2.5 Foreign Currency Transactions	16
2.6 Elections	17
2.7 General Anti-avoidance Rule	17
CHAPTER 3 — RESIDENCE	21
3.1 Individuals	22
Exhibit 3A — Examples of an Individual's Residence for Income Tax Purposes	24
3.2 Corporations	26
3.3 Becoming a Canadian Resident	26
Exhibit 3B — Example of Acquiring Canadian Residence for Income Tax Purposes	28
3.4 Becoming a Non-resident of Canada	29
Exhibit 3C — Example of Ceasing Canadian Residence for Income Tax Purposes	31
3.5 Foreign Tax Credits	32
3.6 Withholding Tax on Payments to Non-residents	32
Exhibit 3D — Examples of Withholding Taxes on Payments to Non-Residents of Canada	34
3.7 Section 116 Certificates	35
3.8 Foreign Reporting	36

Table of Contents

3.9 Stop International Tax Evasion	37
CHAPTER 4 — BUSINESS AND PROPERTY INCOME, TAX DEPRECIATION AND CAPITAL GAINS	41
4.1 Business and Property Income	39
Exhibit 4A — Examples of Business and Property Income	47
(1) Goods and Services Tax (GST)	48
Exhibit 4B — Examples of GST	53
(2) Other Federal Taxes	54
4.2 Business and Property Losses	55
Exhibit 4C — Example of Non-Capital Loss Carryovers	56
4.3 Tax Depreciation	57
(1) Accelerated Investment Incentive	62
(2) Zero-Emission Vehicles (Class 54)	64
Exhibit 4D — Examples of CCA, Terminal Loss and Recapture	65
4.4 Half-year Rule and Short Taxation Years	68
Exhibit 4E — Example of the Half-Year Rule	69
4.5 Special CCA Asset Classes	71
(1) Separate Class 8	71
(2) Separate Class 10.1	71
(3) Class 13	72
(4) Class 14	73
(5) Class 43	73
(6) Separate Class 43	73
4.6 Indefinite Life Intangibles	74
Exhibit 4F — Examples of Indefinite Life Intangibles ...	75
4.7 Capital Gains and Capital Losses	76
(1) General	76
(2) Carry Over	78
Exhibit 4G — Examples of Capital Gains and Capital Losses	80

Table of Contents

(3) Foreign Currency Assets	81
(4) Stock Options	82
(5) Capital versus Income Nature	83
Exhibit 4H — Example of a Disposition on Account of Capital versus on Account of Income	85
(6) Identical Property	85
Exhibit 4I — Example of Identical Property Rules	86
(7) Capital Gains Reserve	87
Exhibit 4J — Example of the Capital Gains Reserve	89
(8) Personal Use Property	91
4.8 Spousal Transfers	92
4.9 Allowable Business Investment Losses	92
4.10 Change in Use	94
Exhibit 4K — Example of Change in Use Rules	96
4.11 Proration of Changing Tax Rates or Credits	97
4.12 Replacement Property Rules	97
4.13 Non-arm's-length Transactions, Related Persons, Affiliated Persons and Stop-loss Rules	100
CHAPTER 5 — TAXATION OF INDIVIDUALS	105
5.1 Instalments and Withholdings at Source	108
Exhibit 5A — Examples of Instalments	111
5.2 Employed Versus Self-employed	113
5.3 Net Income for Tax Purposes	115
5.4 Employee Benefits	117
5.5 Automobile Benefits	119
(1) For Automobiles Owned by the Employer	121
(2) For Automobiles Leased by the Employer	121
Exhibit 5B — Example of the Standby Charge (Taxable Benefit)	122
Exhibit 5C — Example of Operating Benefit (Taxable Benefit)	123

Table of Contents

5.6 Low Interest Loans	124
Exhibit 5D — Example of Low Interest Employee Loans (Taxable Benefit)	125
5.7 Employee Stock Options	126
Exhibit 5E — Example of Employee Stock Options ...	128
5.8 Dividends Received from Canadian Corporations	129
Exhibit 5F — Example of the Tax Treatment of Dividends	130
5.9 Non-taxable Receipts	131
5.10 Deductions from Employment Income	133
Exhibit 5G — Example of Employment Income Deductions	137
Exhibit 5H — Example of Net Income for Tax Purposes (for an Individual)	138
5.11 Tax-Deferred Plans (Pensions, RPPs, DPSPs, RRSPs, RESPs, RDSPs)	140
(1) General	140
(2) Contribution Limits	141
(3) Taxation of Plan Withdrawals and Earnings	144
(4) Spousal RRSP Contributions and Withdrawals	145
(5) Special RRSP Withdrawals	146
Exhibit 5I — Example of an RRSP Deduction	147
(6) Pension Income-Splitting	148
(7) RESPs	149
(8) RDSPs	150
5.12 Other Income and Deductions	150
Exhibit 5J — Example of Child Care Expense Deduction	154
Exhibit 5K — Example of Net Income for Tax Purposes (for an Individual)	156
5.13 Taxable Income	157

Table of Contents

(13) Refundable Canada Training Credit [s. 122.91]	182
(14) Tax Credit for Digital Subscriptions [s. 118.02]	183
(15) Multigenerational Home Renovation Tax Credit	183
Exhibit 5Q — Example of Personal Tax Credits	184
Exhibit 5R — Example of Calculation of Income Taxes Payable and Taxes Owing	185
5.17 Other Less Common Personal Tax Credits	186
(1) Canada Caregiver Credit [s. 118(1)(d)]	187
(2) Additional Amount [s. 118(1)(e)]	187
(3) Adoption Expense Tax Credit [s. 118.01]	187
(4) Disability Tax Credit [ss. 118.3 and 118.4]	187
(5) Volunteer Firefighters Tax Credit [s. 118.06]	188
(6) Search and Rescue Volunteers Tax Credit [ss. 118.06 and 118.07]	189
(7) Teacher and Early Childhood Educator School Supply Tax Credit [s. 122.9]	189
(8) Personal Support Workers Tax Credit [s. 122.93]	189
(9) Top-up Tax Credit	189
5.18 Transfer of Unused Tax Credits to a Spouse	190
5.19 Foreign Tax Credit and Political Contribution Tax Credit	190
5.20 Principal Residence Exemption	194
Exhibit 5S — Examples of the Principal Residence Exemption	196
5.21 Attribution	198
(1) Transfers and Loans to a Spouse [ss. 74.1(1) and 74.2(1)]	200

Table of Contents

(2) Transfers and Loans to Minors [s. 74.1(2)]	200
(3) Kiddie Tax [s. 120.4]	201
(4) Income Sprinkling (Tax on Split Income) [s. 120.4]	201
Exhibit 5T — Example of Attribution	203
5.22 Other Less Common Attribution Rules	204
(1) Indirect Income Transfers [s. 56(2)]	204
(2) Transfer of Rights to Income [s. 56(4)]	204
(3) Interest Free or Low Interest Loans [s. 56(4.1)]	204
5.23 Death of a Taxpayer	205
5.24 Hobby Farming	208
CHAPTER 6 — TAXATION OF CORPORATIONS	211
Exhibit 6A — Example of Corporate Instalments	213
6.1 Net Income	214
Exhibit 6B — Examples of Reserves	217
(1) General Limitation [s. 18(1)(a)]	219
(2) Capital Outlay or Loss [s. 18(1)(b)]	219
(3) Use of Recreational Facilities and Club Dues [s. 18(1)(l)]	219
(4) Payments Under the Act [s. 18(1)(t)]	219
(5) Expenses Related to Financing [s. 20(1)(e)]	220
(6) Employer's Contributions to RPP or DPSP [s. 20(1)(q) and (y)]	220
(7) Scientific Research and Experimental Development [s. 37(1)]	220
(8) Meals and Entertainment [s. 67.1(1)]	221
(9) Accrued Salary and Bonuses [s. 78(4)]	221
Exhibit 6C — Example of Net Income for Tax Purposes for a Corporation	222
6.2 Less Common Differences Between Accounting Net Income and Tax Net Income	224

Table of Contents

Exhibit 6G — Example of Corporate Taxes Payable and Taxes Owing	241
6.5 Permanent Establishment	243
Exhibit 6H — Calculation of Taxable Income Earned in a Province	245
6.6 Associated Corporations	246
(1) Additional Association Rules	249
6.7 Refundable Taxes	251
(1) Additional Refundable Tax	253
(2) Refundable Part I Tax	253
(3) Refundable Part IV Tax	255
(4) Dividend Refund	256
Exhibit 6I — Example of Refundable Taxes	257
6.8 Capital Dividends	261
6.9 Shareholder Benefits and Loans	262
6.10 Sale of Accounts Receivable	265
6.11 Paid-up Capital	266
6.12 Sale of a Corporation	269
Exhibit 6J — Example of Sale of Shares versus a Sale of Assets	272
6.13 Corporate Attribution	277
Exhibit 6K — Example of Corporate Attribution	279
6.14 Corporate Reorganizations	281
(1) Redemption of Shares	281
Exhibit 6L — Example of a Redemption of Shares	282
(2) Rollovers	283
Exhibit 6M — Example of s. 85(1) Rollover	291
Exhibit 6N — Example of a s. 86 Rollover	295
(3) Amalgamations [s. 87]	300
(4) Winding up a Subsidiary into its Parent [s. 88]	302
6.15 Non-arm's-length Sale of Shares to a Corporation	304
6.16 Arm's-length Sale of Shares by a Corporation	307

Table of Contents

6.17 Acquisition of Control	309
CHAPTER 7 — TAXATION OF TRUSTS, PARTNER- SHIPS AND JOINT VENTURES	313
7.1 Trusts	313
Exhibit 7A — Example of the Taxation of Trusts	316
7.2 Partnerships	321
Exhibit 7B — Example of the Taxation of Partnerships.....	
.....	326
7.3 Joint Ventures	329
7.4 Concluding Remarks	329
Glossary of Abbreviations	333
Index	337