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Home Buyers' Plan (HBP)

**Includes
Form T1036**



More Ways to Serve You!

Before you start

Is this guide for you?

Use this guide if you want information about the rules that apply to the Home Buyers' Plan (HBP).

Chapter 1 explains the Home Buyers Plan and the conditions of participation.

Chapter 2 provides information concerning the repayment of withdrawals made under the HBP and different situations for these withdrawals.

Chapter 3 describes other rules to be considered.

Glossary – In the glossary on page 9 [3], we have included definitions of some of the terms used in this guide. You may want to read through the glossary before you start.

Do you need more information?

In this guide, we use plain language to explain the most common income tax situations. If you need more information after reading this guide, visit our Web site at **www.cra.gc.ca** or call us at **1-800-959-8281**.

Forms and publications

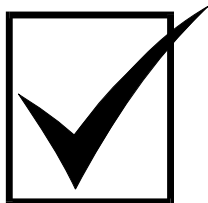
Throughout the guide, we refer to other forms and publications. You can get these documents by visiting our Web site at **www.cra.gc.ca** or by calling us at **1-800-959-2221**.

Internet access

My Account – My Account is an online service that gives you the convenience and flexibility of viewing your personalized information including Registered Retirement Savings Plan (RRSP), Home Buyers' Plan (HBP), and Lifelong Learning Plan (LLP) information.

Visit our secure Web site at **www.cra.gc.ca/myaccount**.

Your opinion counts!



We review our publications every year. If you have any comments or suggestions that would help us improve them, we would like to hear from you!

Please send your comments to:

Client Services Directorate
Canada Revenue Agency
750 Heron Road
Ottawa ON K1A 0L5

What's new for 2005

Marital Status – The proposed amendments to the INCOME TAX ACT regarding same sex relationships have now become law. The Canada Revenue Agency has made adjustments to reflect these changes.

Visually impaired persons can get our publications in braille, large print, or etext (computer diskette), or audio cassette, by visiting our Web site at www.cra.gc.ca/alternate, or by calling **1-800-267-1267** weekdays from 8:15 a.m. to 5:00 p.m. (Eastern Time).

La version française de cette publication est intitulée RÉGIME D'ACCESSION À LA PROPRIÉTÉ (RAP).

NOTE: In this publication, the text inserted between square brackets represents the regular print information.

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Glossary

This glossary gives you a general description of the technical terms that we use in this guide.

Common-law partner – This applies to a person who is **not your spouse** (see the definition of spouse on page 13 [the next page]), with whom you are living and have a conjugal relationship, and to whom at least **one** of the following situations applies. He or she:

- a) has been living with you in such a relationship for at least 12 continuous months;
- b) is the parent of your child by birth or adoption; or
- c) has custody and control of your child (or had custody and control immediately before the child turned 19 years of age) and your child is wholly dependent on that person for support;

In addition, an individual immediately becomes your common-law partner if you previously lived together in a conjugal relationship for at least twelve continuous months and you have resumed living together in such a relationship. **Under proposed changes**, this

condition will no longer exist. The effect of this proposed change is that a person (other than a person described in b) or c) on page 9 [above]) will be your common-law partner only after your current relationship with that person has lasted at least 12 continuous months. This proposed change will apply to 2001 and later years.

Reference to "12 continuous months" in this definition includes any period that you were separated for less than 90 days because of a breakdown in the relationship.

Disabled person – You are considered a disabled person, if you are entitled to the disability amount. For purposes of the HBP, a disabled person includes you or a person related to you by blood, marriage, common-law partnership or adoption. A related disabled person does not have to reside with you in the same home.

We consider a person to be entitled to the disability amount if one of the following situations applies:

- the person was entitled to the disability amount on line 316 of his or her return for the year before the HBP withdrawal, and still

meets the eligibility requirements for the disability amount when the HBP withdrawal is made; or

- the person was not entitled to the disability amount for any year before the HBP withdrawal, but a Form T2201, DISABILITY TAX CREDIT CERTIFICATE, certified by a medical doctor or appropriate medical practitioner (i.e., an optometrist, audiologist, psychologist, occupational therapist or speech language pathologist), is filed for the person for the year of the HBP withdrawal. If Form T2201 is not approved, your withdrawals will not be considered eligible withdrawals under the HBP, and will have to be included in your income for the year you receive them.

If all other eligibility requirements are met, we consider a person to be entitled to the disability amount even if costs for an attendant or for care in a nursing home were claimed as a medical expense by or on behalf of that person.

Eligible withdrawal – This is an amount you withdraw from your RRSP after you have met the HBP conditions that apply to your situation.

HBP balance – When you withdraw funds from your RRSPs under the HBP, you create an HBP balance. Your HBP balance at any time is the total of all eligible withdrawals you made from your RRSPs **minus** the total of all amounts you designated as an HBP repayment and amounts included in your income (because they were not repaid to your RRSPs) in previous years.

Participant – You are considered an HBP participant if:

- you make an eligible withdrawal from your RRSP to buy or build a qualifying home for yourself;
- for 1999 and future years, you make an eligible withdrawal from your RRSP under the HBP to buy or build a qualifying home for a related disabled person or to help such a person buy or build a qualifying home; or
- you are the spouse or common-law partner of a deceased HBP participant and you have elected to continue making the repayments of the deceased participant.

Participation period – Your HBP participation period starts on January 1 of the year you receive an eligible withdrawal from your RRSP and ends in the year your HBP balance is zero.

Qualifying home – A qualifying home is a housing unit located in Canada. This includes existing homes and those being constructed. Single-family homes, semi-detached homes, townhouses, mobile homes, condominium units, and apartments in duplexes, triplexes, fourplexes, or apartment buildings all qualify. A share in a co-operative housing corporation that entitles you to possess, and gives you an equity interest in a housing unit located in Canada, also qualifies. However, a share that only provides you with a right to tenancy in the housing unit does not qualify.

RRSP deduction limit – This refers to the maximum amount you can deduct for contributions you made to your RRSP or to your spouse's or common-law partner's RRSP.

Spouse – You have a spouse when you are legally married.

Chapter 1 – Participating in the HBP

What is the HBP?

The HBP is a program that allows you to withdraw up to \$20,000 from your registered retirement savings plans (RRSPs) to buy or build a qualifying home.

The home can be for yourself, or it can be for a related disabled person. If the home is acquired by a disabled person or for a related disabled person, one of the following should apply:

- it is more accessible to that person than his or her current home; or
- it is better suited to that person's needs.

As an HBP participant, you can acquire the home for the related disabled person, or you can provide the withdrawn funds to the related disabled person to acquire the home.

You do not have to include eligible withdrawals in your income, and your RRSP issuer will not withhold tax on these amounts. You can withdraw a single amount or make a series of withdrawals throughout

the same year, provided the total of your withdrawals is not more than \$20,000. If you buy the qualifying home with your spouse or common-law partner, or with other individuals, each of you can withdraw up to \$20,000.

Generally, you have to repay all withdrawals to your RRSPs within a period of no more than 15 years. You will have to repay an amount to your RRSPs each year until your HBP balance is zero. If you do not repay the amount due for a year, it will have to be included in your income for that year.

Note

Situations may arise where the repayments may have to be made in less than 15 years. These situations are explained on page 50 [10].

Can a withdrawal be made from any RRSP?

You (the participant) can only withdraw funds from an RRSP under which you are the annuitant. In the case of spousal or common-law partner RRSPs, the annuitant is the person who will receive benefits from the plan. For example, if your spouse or common-law partner contributed to your RRSP, you are the annuitant of the RRSP, or if

you contributed to your spouse's or common-law partner's RRSP, that individual is the annuitant of the RRSP. For more information about spousal or common-law partner RRSPs, see the guide T4040, RRSPs AND OTHER REGISTERED PLANS FOR RETIREMENT.

Some RRSPs, such as locked-in or group RRSPs, do not allow you to withdraw funds from them. Your RRSP issuer can give you more information about the types of RRSPs that you have and whether or not withdrawals can be made from these plans to participate in the HBP.

Note

If you or your spouse or common-law partner withdraw an amount from an RRSP to which you or your spouse or common-law partner had made contributions during the 89-day period just before your withdrawal, you may not be able to deduct part or all of these contributions in any year. For more information, see "How do you make an HBP withdrawal?" on page 40 [8].

What are the conditions for participating in the HBP?

A number of conditions have to be met in order to participate in the HBP. While some conditions have to be met **before** you can withdraw funds from your RRSPs, others apply **when** or **after** you receive the funds.

Generally, if you participate in the HBP, you have to meet all the HBP conditions yourself. However, depending on your situation, some conditions may apply to another person. For example, if you withdraw funds from your RRSPs to buy or build a qualifying home for a related disabled person, or to help a related disabled person buy or build a qualifying home, some conditions have to be met by that person. Regardless of the situation, you are responsible for making sure that all applicable HBP conditions are met. If at any time during your participation period a condition is not met, your withdrawal will not be considered an eligible withdrawal and it will have to be included in income for the year it is received. The following chart lists all the HBP conditions, and who has to meet them in different situations. We explain each condition in greater detail in the pages that follow the chart.

Conditions for participating in the HBP

Situation 1 – You buy or build a qualifying home for yourself.

Situation 2 – You, a disabled person, buy or build a qualifying home for yourself.

Situation 3 – You buy or build a qualifying home for a related disabled person.

Situation 4 – You help a related disabled person buy or build a qualifying home.

Situation	1	2
Person responsible for meeting the HBP conditions	You	You
Conditions you have to meet before applying to withdraw funds under the HBP		
You have to enter into a written agreement to buy or build a qualifying home.	√	√

▶

a)

Situation	1	2	
Person responsible for meeting the HBP conditions	You	You	
You have to intend to occupy the qualifying home as your principal place of residence.	√	√	b)
You have to be considered a first-time home buyer.	√	N/A	c)
Your HBP balance on January 1 of the year of the withdrawal has to be zero.	√	√	d)



Person responsible for meeting the HBP conditions			
3		4	
You	Related disabled person	You	Related disabled person
a) ✓	N/A	N/A	✓
b) *	N/A	*	N/A
c) N/A	N/A	N/A	N/A
d) ✓	N/A	✓	N/A

* You must intend that the related disabled person occupy the qualifying home as his or her principal place of residence.

Situation	1	2	
Person responsible for meeting the HBP conditions	You	You	
Conditions you have to meet when a withdrawal is made			
Neither you nor your spouse, nor common-law partner can own the qualifying home more than 30 days before a withdrawal is made.	√	√	e)
You have to be a resident of Canada.	√	√	f)
You have to complete Form T1036.	√	√	g)
You have to receive all withdrawals in the same year.	√	√	h)
You cannot withdraw more than \$20,000.	√	√	i)



Person responsible for meeting the HBP conditions			
3		4	
You	Related disabled person	You	Related disabled person
e) ✓	N/A	N/A	✓
f) ✓	N/A	✓	N/A
g) ✓	N/A	✓	N/A
h) ✓	N/A	✓	N/A
i) ✓	N/A	✓	N/A

Situation	1	2	▶
Person responsible for meeting the HBP conditions	You	You	
Condition you have to meet after all your withdrawals have been made			
You have to buy or build the qualifying home before October 1 of the year after the year of the withdrawal.	√	√	

j)

▶	Person responsible for meeting the HBP conditions			
	3		4	
	You	Related disabled person	You	Related disabled person
	√	N/A	N/A	√

j)

You have to enter into a written agreement to buy or build a qualifying home

To withdraw funds from your RRSPs under the HBP, when you are buying or building a qualifying home for yourself or a related disabled person, you must first have entered into a written agreement to buy or build a qualifying home. Obtaining a pre-approved mortgage does not satisfy this condition.

Note

If you are withdrawing funds from your RRSPs to help a related disabled person who is buying or building a qualifying home, it is the related disabled person who must have entered into such an agreement.

You have to intend to occupy the qualifying home as your principal place of residence

When you withdraw funds from your RRSPs under the HBP, you have to intend to occupy the qualifying home as your principal place of residence no later than one year after buying or building it. Once you

occupy the home, there is no minimum period of time in which you have to live there.

In some cases, you may not occupy the qualifying home by the end of the 12-month period after you bought or built it. If this happens to you, we still consider you a participant in the HBP because you intended to occupy the home as your principal place of residence no later than one year after buying or building it.

Note

If you are withdrawing funds from your RRSPs to buy or build a qualifying home for a related disabled person or to help a related disabled person buy or build a qualifying home, you must intend that the related disabled person meet this condition.

You have to be considered a first-time home buyer

Generally, before you can withdraw funds from your RRSPs to buy or build a qualifying home, you have to meet the first-time home buyer's condition. If you are a disabled person, or you are acquiring a home for a related disabled person or helping such a person acquire a home, you may not have to meet this condition. Please refer to the

section called "Exception to the first-time home buyer's condition" on page 27 [below].

You are not considered a first-time home buyer if, at any time during the period beginning January 1 of the fourth year before the year of the withdrawal and ending 31 days before your withdrawal, you or your spouse or common-law partner owned a home that you occupied as your principal place of residence.

If at the time of the withdrawal you have a spouse or common-law partner, it is possible that only one of you will be considered a first-time home buyer (see Example 1).

Example 1

In 2002, Paul sold the home he had occupied as his principal place of residence for five years. He then moved into a rented apartment. In 2003, he met Jane and she moved in with him. Jane had been renting her own apartment, and had never owned a home.

Jane and Paul plan to get married in August 2005. They would like to withdraw funds from their RRSPs to participate in the HBP in September 2005. Since Paul owned and occupied his home during

the period beginning January 1 of the fourth year before the year he wants to make the withdrawal, he is not considered a first-time home buyer, so he cannot participate in the HBP in 2005.

However, Jane is considered a first-time home buyer, since she never owned a home, and she did not live with Paul during the period in which he owned and occupied his home as his principal place of residence. She can participate in the HBP in 2005, providing all the other requirements are met.

In this section, the word "home" has the same meaning as the term "qualifying home" which is defined on page 13 [4].

Exception to the first-time home buyer's condition – You do not have to meet the first-time home buyer's condition to participate in the HBP if any of the following situations applies to you:

- you are a disabled person and you withdraw funds from your RRSPs under the HBP to acquire a home that is more accessible, or better suited to your needs;
- you withdraw funds from your RRSPs under the HBP to acquire a home for a disabled person related to you by blood, marriage,

common-law partnership or adoption, and the home is more accessible or better suited to the needs of that person; or

- you withdraw funds from your RRSPs under the HBP and give those funds to a disabled person related to you by blood, marriage, common-law partnership or adoption, to acquire a home that is more accessible, or better suited to the needs of that person.

Note

If any of the above exceptions do not apply, you have to meet the first-time home buyer's condition at the time you make a withdrawal from your RRSPs under the HBP. If this condition is not met at the time of the withdrawal, the amount will have to be included in your income.

To determine if you are considered a first-time home buyer, complete the following questionnaire:

Are you considered a first-time home buyer?

Question 1 – Did you, at any time during the period beginning January 1 of the fourth year before the year of the withdrawal and ending 31 days before the withdrawal, own a home that you occupied as your principal place of residence?

Yes You **are not** considered a first-time home buyer.

No Go to question 2.

Question 2 – Do you have a spouse or common-law partner?

Yes Go to question 3.

No You **are** considered a first-time home buyer.

Question 3 – Did your spouse or common-law partner have an owner-occupied home, at any time during the period beginning January 1 of the fourth year before the year of the withdrawal and ending 31 days before the withdrawal, that you occupied with that individual while you were living together as spouses or common-law partners?

Yes You **are not** considered a first-time home buyer.

No You **are** considered a first-time home buyer.

If you could not participate in the HBP in a particular year because you did not meet this condition, see the section called "If you could not participate in a particular year, can you participate in a later year?" on page 62 [13].

Your HBP balance on January 1 of the year of the withdrawal has to be zero

If you have previously participated in the HBP, you may be able to do so again if:

- your HBP balance is zero on January 1 of the year during which you plan on making another HBP withdrawal; and
- you meet **all** the other HBP conditions that apply to your situation.

Your HBP balance is zero when the total of your designated HBP repayments and the amounts included in your income (because they

were not repaid to your RRSPs) in previous years **equals** the total eligible withdrawals you received.

Neither you nor your spouse or common-law partner can own the qualifying home more than 30 days before the withdrawal

You cannot withdraw an amount from your RRSP under the HBP if you or your spouse, or common-law partner owned the home described on Form T1036, HOME BUYERS' PLAN (HBP) – REQUEST TO WITHDRAW FUNDS FROM AN RRSP, more than 30 days before the date of your withdrawal.

Example 2

Kate buys a qualifying home with a closing date (acquisition date) of November 1, 2005. She must make her final withdrawal under the HBP no later than 30 days after the closing date. Therefore, Kate has until December 1, 2005, to make her last withdrawal under the HBP. If she makes a withdrawal after December 1, 2005, it will not be considered an eligible withdrawal and will have to be included in her income for the year it is received.

Note

If you are withdrawing funds from your RRSPs to help a related disabled person to buy or build a qualifying home, the disabled person and his or her spouse or common-law partner (if applicable) must meet this condition.

You have to be a resident of Canada

You have to be a resident of Canada when you receive funds from your RRSPs under the HBP and up to the time a qualifying home is bought or built. If you are not sure whether you are a resident or non-resident of Canada, or you need more information about residency status, contact us at **1-800-959-8281**.

If you become a non-resident after you receive your funds but before a qualifying home is bought or built, you may cancel your participation in the HBP. For more information, see the section called "Cancelling your participation" on page 59 [12].

If you become a non-resident after a qualifying home is bought or built, your withdrawal will be considered to be eligible. However, special rules will apply to the repayment of your HBP balance.

For more information, see the section called " If you become a non-resident" on page 55 [11].

You have to complete Form T1036

To make an eligible withdrawal under the HBP, you have to use Form T1036, HOME BUYERS' PLAN (HBP) – REQUEST TO WITHDRAW FUNDS FROM AN RRSP.

You have to complete Form T1036 for each withdrawal you make. You will find a copy of the form at the end of this guide, or you can complete it in its electronic format on our Web site at www.cra.gc.ca or order a copy by calling **1-800-959-2221**.

For more information about completing this form, see the section called "How do you make an HBP withdrawal?" on page 40 [8].

You have to receive all withdrawals in the same year

To participate in the HBP, you have to receive all the withdrawals from your RRSPs in the same year. However, if you receive an amount from your RRSP in one year and another in January of the following

year, we consider the amount received in January of the following year to have been received in the year the first withdrawal was made.

Note

If you receive a withdrawal of funds in one year and another after January of the following year, the amount received after January will **not** be an eligible withdrawal under the HBP and you will have to include it in your income.

Example 3

On October 15, 2004, Chloe withdrew \$7,500 from her RRSP under the HBP. Before the withdrawal, Chloe had entered into a written agreement to buy a qualifying home. In March 2005, she withdrew an additional \$1,500 to pay expenses she had not anticipated. Because Chloe received the second withdrawal after January 2005, it is not considered an eligible withdrawal and she has to include it in her income for the year 2005.

You cannot withdraw more than \$20,000

You can withdraw up to \$20,000 from your RRSPs under the HBP. You can make more than one withdrawal as long as the total of your

withdrawals is not more than \$20,000. If you buy the qualifying home with your spouse or common-law partner, or with other individuals, each of you can withdraw up to \$20,000.

Note

If the total of your RRSP withdrawals under the HBP is more than \$20,000, you will have to include the excess amount in your income for the year you received it. In addition, your RRSP issuer will have to withhold tax on the excess amount at the time of the withdrawal.

You have to buy or build the qualifying home before October 1 of the year after the year of the withdrawal

Generally, if you participate in the HBP in a particular year, you have to buy or build the qualifying home before October 1 of the year following the year of the withdrawal.

We consider you to have bought or built a qualifying home if you bought or built it alone or with one or more individuals. If you are building a qualifying home, we consider you to have built the home on the date it becomes habitable.

Note

If you are withdrawing funds from your RRSPs to help a related disabled person to buy or build a qualifying home, the disabled person must meet this condition.

If you do not buy or build the qualifying home before October 1 of the year after the year of the withdrawal, you can:

- cancel your participation in the HBP (for more information, see the section called "Cancelling your participation" on page 59 [12]); or
- buy or build a different home, called a replacement property, before October 1 of the year following the year of the withdrawal.

A replacement property has to meet the same conditions as a qualifying home. You do not have to complete another Form T1036 to advise us that you are buying or building a replacement property. Just send a letter to: Pension and RRSP Processing Group, Ottawa Technology Centre, 875 Heron Road, Ottawa ON K1A 1A2.

Give your name, address, and social insurance number, as well as the address (and phone number, if possible) of the replacement property. Also, you have to state in the letter that you intend to occupy the

replacement property as your principal place of residence no later than one year after you buy or build it.

Note

If you have already withdrawn from your RRSPs the \$20,000 maximum allowed under the HBP, you cannot make any more withdrawals to buy or build the replacement property.

Extensions for buying or building a qualifying home or replacement property – If you do not buy or build the qualifying home you indicated on Form T1036 (or a replacement property) before October 1 of the year following the year of the withdrawal, we still consider you to have met the deadline if **either** of the following situations applies to you:

- You had a written agreement, in effect on October 1 of the year following the year of the withdrawal, to buy a qualifying home or replacement property, and you buy the property before October 1 of the second year following the year of the withdrawal. In addition, you have to be a Canadian resident up to the time of purchase (see Example 4 on page 38 [below]).

- You paid before October 1 of the year following the year of the withdrawal an amount at least equal to the total of your withdrawals under the HBP to the contractors or suppliers (with whom you deal at arm's length) for materials for the home being built, or towards its construction (see Example 5 on page 39 [below]).

Example 4

On February 10, 2003, Steven, a Canadian resident, entered into an agreement to buy a duplex, the ground floor of which he intends to occupy as his principal place of residence. Because of an existing lease, the possession date is May 4, 2005.

On February 20, 2003, Steven withdrew \$15,000 from his RRSPs under the HBP. On May 4, 2005, he takes possession of the duplex and moves in.

Since Steven withdrew his funds in 2003, he had to buy the home before October 1, 2004. Although Steven took possession of the home after this deadline, we consider him to have bought the home by the deadline because he had an agreement in effect on October 1, 2004, he bought the home before October 1, 2005, and he was a Canadian resident when he bought it.

Example 5

In January 2004, Clara withdrew \$10,000 from her RRSPs under the HBP. Earlier in the same month, she had finalized a contract to have her home built, and had paid \$2,000 to the contractor. She paid \$5,000 when construction started in April 2004, and \$6,000 more in August 2005, for a total of \$13,000. Clara dealt at arm's length with the contractor.

Construction of the home is not completed until December 15, 2005, because the building materials arrived late. Since Clara withdrew her funds in 2004, she has to have the home built before October 1, 2005. Although construction of the home is not completed until December 15, 2005, we consider Clara's home to have been built by the deadline because the \$13,000 she paid towards its construction before this deadline is more than the total amount of her withdrawals (\$10,000), and because she dealt at arm's length with the contractor.

How do you make an HBP withdrawal?

To make an eligible withdrawal under the HBP, you have to use Form T1036, HOME BUYERS' PLAN (HBP) – REQUEST TO WITHDRAW FUNDS FROM AN RRSP.

You have to complete Form T1036 for each withdrawal you make. You will find a copy of the form at the end of this guide, or on our Web site at **www.cra.gc.ca/forms** or order a copy by calling **1-800-959-2221**.

After completing Area 1 of Form T1036, give it to your RRSP issuer who will complete Area 2. Your RRSP issuer will not withhold tax from the funds you withdraw if you meet the applicable HBP conditions. Your RRSP issuer will send you a T4RSP slip, STATEMENT OF REGISTERED RETIREMENT SAVINGS PLAN INCOME, showing the amount you withdrew under the HBP at box 27. You have to attach this slip to your income tax return.

Your RRSP deduction may be affected by an HBP participation

If you participate in the HBP, certain rules limit your RRSP deduction for contributions you made to your RRSP during the 89-day period just before your withdrawal under the HBP. Under

these rules, you may not be able to deduct all or part of the contributions made during this period for any year.

You cannot deduct the amount by which the total of your contributions to an RRSP during the 89-day period just before your withdrawal from that RRSP, is more than the fair market value of that RRSP after the withdrawal. The same rules apply if you contributed to your spouse's or common-law partner's RRSP during the 89-day period just before that individual made the withdrawal from the same RRSP under the HBP.

You and your spouse or common-law partner can use the chart on page 67 [14] to determine the part of the contributions you or your spouse or common-law partner made that is not deductible for any year.

You have to file an income tax return

In the year you make your HBP withdrawal, you will received a T4RSP slip from your issuer. You have to complete Schedule 7, RRSP UNUSED CONTRIBUTIONS, TRANSFERS, AND HBP OR LLP ACTIVITIES, and attach it with the T4RSP slip to your return to show your total HBP

withdrawals. You **do not report** this withdrawal amount at line 129 of your return.

In the year you make your first repayment and every year thereafter, you have to complete and send us an income tax return, until you have repaid all of your HBP withdrawals or have included them in your income. You have to file a return even if you do not owe any taxes. You have to complete Schedule 7, and attach it to your return to show your total HBP repayments made in the year. This will help us update your HBP records.

Chapter 2 – Repaying your withdrawals

Over a period of no more than 15 years, you have to repay to your RRSPs the amounts you withdrew under the HBP. Generally, in each year of your repayment period, you have to repay 1/15 of the total amount you withdrew, until the full amount is repaid to your RRSPs. Your repayment period starts the second year following the year you made your withdrawals.

You will receive a HOME BUYERS' PLAN (HBP) STATEMENT OF ACCOUNT each year with your NOTICE OF ASSESSMENT or REASSESSMENT. This

statement will show the total HBP withdrawals, the amount you have repaid to date, your HBP balance, and the amount you have to repay the following year.

Note

Even if you declare bankruptcy you still have to make the annual repayment to your RRSPs for each year remaining in your HBP participation period, until all amounts withdrawn under the HBP is repaid. If you do not make the repayment for a year, it will have to be included in your income for that year.

How do you make your repayments?

To make a repayment under the HBP, you have to make contributions to your RRSPs in the year the repayment is due or in the first 60 days of the following year. You can contribute the repayments to any of your RRSPs. Once your contribution is made, you can designate all or part of the contribution as a repayment under the HBP.

To designate your repayment, complete Schedule 7, RRSP UNUSED CONTRIBUTIONS, TRANSFERS, AND HBP OR LLP ACTIVITIES, and file it

with your return. You have to do this even if you would not otherwise have to file a return for the year.

Contributions you cannot designate – Not all contributions you make to your RRSPs in the repayment year or in the first 60 days of the following year can be designated as a repayment under the HBP. You **cannot** designate contributions that:

- you make to your **spouse's or common-law partner's RRSPs** (or that he or she makes to your RRSPs);
- are amounts you transfer directly to your RRSPs from a registered pension plan, deferred profit-sharing plan, registered retirement income fund, the Saskatchewan Pension Plan, or another RRSP;
- are amounts you deducted as a recontribution of an excess qualifying withdrawal that you designated to have a past-service pension adjustment approved;
- are amounts that you designate as a repayment under the Lifelong Learning Plan (LLP) for the year;
- are amounts you contribute in the first 60 days of the repayment year, that you deducted on your return for the previous year, or

designated as a repayment for the previous year under the HBP or the LLP; or

- are amounts you receive in the year, such as retiring allowances, that you transfer to your RRSPs and deduct or will deduct on your return for that year.

Note

If you do not have an RRSP deduction limit for the repayment year, you can still contribute to your RRSPs and designate the amount you contributed as a repayment under the HBP. We do not consider an amount you designate as a repayment under the HBP to be an RRSP contribution. Therefore, you cannot claim a deduction for this amount on your return.

Example 6

In 2003, Robert withdrew \$6,000 from his RRSPs to participate in the HBP. Robert's repayment for 2005 is \$400 ($\$6,000 \div 15$).

In 2005, Robert contributes \$8,200 to his RRSPs. Robert could deduct the full amount as an RRSP contribution on his 2005 return

because his NOTICE OF ASSESSMENT for 2004, shows that he has an RRSP deduction limit of \$11,000 for 2005.

Robert files Schedule 7 with his 2005 return and designates \$400 of the \$8,200 he contributed to his RRSPs as a repayment under the HBP. Robert can only deduct, on line 208 of his 2005 return, \$7,800 of the contributions made to his RRSPs, because we do not consider the \$400 he designates as a repayment under the HBP to be an RRSP contribution.

What happens if you choose to begin your repayments earlier?

You can choose to begin your repayments earlier, but your repayment period will remain the same. Any repayments made before you are required to start your repayments will reduce the actual HBP balance and will reduce the repayment amounts over the entire repayment period.

What happens if you repay more than the amount you have to repay for the year?

If your designated HBP repayment is more than the amount you are required to repay for the year, the HBP balance for later years will be reduced. You will still have to make the required payment for the following year.

The annual HOME BUYERS' PLAN (HBP) STATEMENT OF ACCOUNT that we send you with your NOTICE OF ASSESSMENT or REASSESSMENT takes into account any additional payments you made, and will give you the minimum amount you have to repay for the next year. If you want to calculate the minimum amount you have to repay for the next year, divide your HBP balance by the number of years remaining in your repayment period.

Example 7

In 1999, Suzanne withdrew \$16,500 from her RRSPs to participate in the HBP. Her repayment for 2001 was \$1,100 ($\$16,500 \div 15$). Suzanne made the repayment for 2001, 2002 and 2003. In 2004, Suzanne receives an inheritance and decides to contribute \$8,000 to her RRSPs and designates that amount as a repayment under the

HBP for the year 2004. She calculates the amount she has to repay for the year 2005, using the chart below.

Calculating the annual amount Suzanne has to repay

Year	Column A HBP balance (column A minus column C for the previous year)	Column B Amount Suzanne has to repay for the year	Column C Amount Suzanne repays and designates as a repayment for the year
2001	\$16,500	\$1,100 (16,500 ÷ 15)	\$1,100
2002	\$15,400	\$1,100 (15,400 ÷ 14)	\$1,100
2003	\$14,300	\$1,100 (14,300 ÷ 13)	\$1,100

Year	Column A HBP balance (column A minus column C for the previous year)	Column B Amount Suzanne has to repay for the year	Column C Amount Suzanne repays and designates as a repayment for the year
2004	\$13,200	\$1,100 (13,200 ÷ 12)	\$8,000
2005	\$5,200	\$472.73 (5,200 ÷ 11)	\$472.73

What happens if you repay less than the amount you have to repay for the year?

If you repay and designate less than the amount you have to repay for the year, you will have to include the difference as RRSP income, on line 129 of your return. The amount you include on line 129 is the amount you have to repay for the year, **minus** the amount you repay

and designate as an HBP repayment. You cannot include in income an amount that is more than the result of this calculation.

Special repayment situations

Special repayment rules apply if an HBP participant:

- dies;
- becomes a non-resident; or
- reaches the age of 69.

The participant dies

General rule – If an HBP participant dies, the legal representative has to include the participant's HBP balance in the participant's income for the year of death.

The amount to be included in a deceased participant's income for the year of death is equal to the participant's HBP balance before death less any RRSP contributions (made before the participant died) designated as an HBP repayment for the year of death.

Example 8

John dies in 2005. At the time of death, his HBP balance was \$7,000. He had made a \$1,000 RRSP contribution before he died, which he intended to designate as an HBP repayment for 2005. John's legal representative has to include \$6,000 ($\$7,000 - \$1,000$) as RRSP income on line 129 of John's final return for 2005.

HBP election – If, at the time of death, the participant had a spouse or common-law partner who is a resident of Canada, that individual can jointly elect with the deceased participant's legal representative, to make the repayments under the HBP and to not have the income inclusion rule apply for the deceased participant. The participant's HBP balance at the time of death less any RRSP contributions designated as an HBP repayment for the year of death is treated as if the surviving spouse or common-law partner withdrew it, and it has to be repaid to that individual's RRSPs.

Note

If, in the year of death but before the participant dies, the surviving spouse or common-law partner became a participant, that individual may still withdraw amounts under the HBP (up to \$20,000) from his

or her RRSPs in the year. There are no adverse tax consequences to the surviving spouse or common-law partner if, as a result of electing to treat the deceased participant's HBP balance as his or her own, the new HBP balance exceeds \$20,000.

For deaths that occur after 1998, if at the time of death the participant's surviving spouse or common-law partner is also a participant and the election described on page 51 [above] is made, the surviving spouse's or common-law partner's revised HBP balance has to be repaid over the remaining number of years in his or her repayment period.

However, if the surviving spouse or common-law partner was not a participant, the deceased participant's HBP balance has to be repaid over the same number of years remaining in the participation period of the deceased.

To make a joint election, the surviving spouse or common-law partner and the deceased participant's legal representative should attach a signed letter to the final return of the deceased. The letter should state that an election is being made to have the surviving spouse or

common-law partner continue making repayments under the HBP, and to not have the income inclusion rule apply for the deceased.

Generally, if the surviving spouse or common-law partner was not participating in the HBP, by electing to continue making the repayments of the deceased individual, the surviving spouse or common-law partner would be considered a participant and cannot make any withdrawals under the HBP until the HBP balance is completely repaid and all the other applicable HBP conditions are met.

Note

If the deceased had not made an HBP repayment for the year of death, and the election is made, the annual repayment for that year would not be required.

Example 9

Ron died June 10, 2005. At the time of death, Ron was a participant in the HBP but his common-law partner, Joanne, was not. At the time of death, Ron has an HBP balance of \$5,000. Unless Joanne

elects to make Ron's HBP repayments, the \$5,000 HBP balance will have to be included in income on Ron's final return.

Joanne, who is the legal representative of the estate, decides to repay Ron's HBP balance. She attaches a letter to Ron's 2005 return stating that she elects to repay Ron's HBP balance and to not have the income inclusion rules apply for Ron. Joanne will continue making the repayments to her RRSPs according to Ron's repayment period.

As a result of making the election, Joanne is now considered a participant. She cannot make an HBP withdrawal from her RRSPs until the HBP balance has been completely repaid, and all the other applicable conditions are met.

Example 10

Gert and David are married. In 1999, they each withdrew \$20,000 from their respective RRSPs to participate in the HBP. The repayment period for both Gert and David is from 2001 to 2015.

On December 7, 2005, Gert dies. At that point, she still had \$12,000 of her total withdrawal left to repay. She had not made her repayment for 2005.

David, who is the legal representative of the estate, attaches a letter to Gert's final return stating that he elects to repay her \$12,000 HBP balance to his RRSPs. As a result of making the election, the unpaid balance of \$12,000 does not have to be included in Gert's income for 2005 and a repayment for Gert for the year of death does not have to be made.

David had made his repayment for 2005. His balance to be repaid is \$10,000. Gert's unpaid balance of \$12,000 is added to David's \$10,000. He will now have an HBP balance of \$22,000. Therefore, his annual repayment for the next 10 years (2006 to 2015, inclusive), will be \$2,200, calculated as follows:
 $(\$10,000 + \$12,000) \div 10 \text{ years.}$

If you become a non-resident

You may cease to be a resident of Canada after a qualifying home is bought or built. If this is the case, you have to repay the balance of the funds you withdrew under the HBP before the date you file your return for the year, or no later than 60 days after you cease to be a Canadian resident, whichever date is earlier. If you do not make the repayment by this deadline, you have to include the amount that you

have not repaid in your income for the year that you became a non-resident. The amount is included in income for the period you were resident in Canada.

Example 11

In 2000, Jeannie withdrew \$10,000 from her RRSPs under the HBP to buy a qualifying home. On November 10, 2004, she leaves Canada to live in France. At that time, her unpaid HBP balance is \$4,000.

Jeannie has 60 days after becoming a non-resident, that is, until January 9, 2005, to repay the balance. She contributes \$2,500 to her RRSPs on December 2, 2004, and \$1,000 to her RRSPs on January 7, 2005, for a total contribution of \$3,500. Jeannie completes and files Schedule 7 with her 2004 return to designate this contribution as a repayment under the HBP. Because she has not repaid the full amount, Jeannie has to include \$500 in her 2004 income, calculated as $\$4,000 - (\$2,500 + \$1,000)$.

Your options in the year you reach the age of 69

After the end of the year you reach the age of 69, you will not be able to repay your withdrawals made under the HBP. This is because you cannot contribute to an RRSP after the end of the year in which you turn 69.

In the year you reach the age of 69, you can choose to repay all or part of your HBP balance. If you do not repay your entire HBP balance, you will have to include in your income, for each year remaining in your participation period, the amount that would be your required annual repayment.

Example 12

In 2001, Mary withdrew \$18,000 from her RRSPs to participate in the HBP. In 2005, Mary reaches the age of 69.

Mary repays the amount of \$1,200 for 2003 and 2004, and at the beginning of 2005 has an HBP balance of \$15,600 to repay to her RRSPs. Because Mary turns 69 in 2005, this is the last year she can contribute to her RRSPs. Mary has to decide how much of the \$15,600 to repay to her RRSPs in 2005. Mary decides to contribute

\$10,000 to her RRSPs and to designate that amount as a repayment under the HBP. This leaves her with an unpaid balance of \$5,600 at the end of 2005. Mary will have to include \$466.67 ($\$5,600 \div 12 = \466.67) in income for each year from 2006 to 2017.

If Mary did not repay any part of the \$15,600, she would have to include \$1,200 in income each year from 2005 to 2017. If Mary repaid the entire \$15,600 by the end of December 2005, she would not have to include any of this amount in her income, since her balance would be zero.

Chapter 3 – Other rules you should know

What happens if you do not meet all the HBP conditions?

If you do not meet all the HBP conditions, your RRSP withdrawals will not be considered eligible and they will have to be included in income for the year you received them. If we have already assessed your return for that year, we will reassess it to include the withdrawals.

Cancelling your participation

You can cancel your participation in the HBP if you have met all the applicable HBP conditions, but one of the following applies:

- you did not buy or build a qualifying home or replacement property;
or
- you became a non-resident before buying or building a qualifying home or a replacement property.

You can also cancel your participation, if you withdrew funds under the HBP to help a related disabled person acquire a home, and:

- that person does not buy or build a qualifying home or replacement property; or
- you become a non-resident before that person buys or builds a qualifying home or a replacement property.

If either of these situations applies to you, complete the cancellation form on page 65 [13] of this guide.

Note

If you make a withdrawal from your RRSP after having met all applicable HBP conditions, you cannot cancel your participation.

If you repay to your RRSPs the full amount you withdrew under the HBP, you will not be taxed on your withdrawal. Any portion of your withdrawal that is not repaid will have to be included in your income for the year you received the funds.

You can make your cancellation payments to any of your RRSPs or to a new RRSP, with any issuer.

Due date for making cancellation payments – If you cancel your participation because a qualifying home or replacement property was not bought or built, your cancellation payments are due on or before December 31 of the year after the year you received the funds.

If you cancel your participation because you became a non-resident before a qualifying home or replacement property was bought or built, your due date will depend on when you became a non-resident. If you were a non-resident at the time you filed a return for the year you

received the funds, your cancellation payments are due on or before the earlier of the following two dates:

- December 31 of the year after the year you received the funds; or
- the day you filed a return for the year you received the funds.

In all other situations, your cancellation payments are due on or before December 31 of the year after the year you received the funds.

How to cancel your participation – To cancel your participation, you have to complete the HOME BUYERS' PLAN (HBP) – CANCELLATION form, provided on page 65 [13]. Send us the completed form and the official RRSP contribution receipt(s) that your RRSP issuer gave you, on or before the cancellation payment due date that applies to you.

Example 13

Jason and his spouse, Karen, each completed Form T1036 on April 10, 2005, to withdraw amounts from their RRSPs under the HBP. Jason withdrew \$12,000 from his RRSPs and Karen withdrew \$14,000 from her RRSPs. They had entered into a written agreement on March 20, 2005, to buy a qualifying home on September 12, 2005.

In August 2005, Jason and Karen decided not to buy the home and to cancel their participation in the HBP. Jason repaid \$12,000 to one of his RRSPs. He completes the cancellation form and sends it to us with his official RRSP receipt on or before December 31, 2006.

Karen also completes and sends us the cancellation form with her official RRSP receipt before 2007, but she decided to keep \$6,000 of the withdrawn funds and repaid only \$8,000 to her RRSP. Karen has to report \$6,000 as income on her 2005 return, because she did not repay these funds to her RRSP.

If you could not participate in the HBP in a particular year, can you participate in a later year?

If you could not participate in the HBP in a particular year, because you did not meet the first-time home buyer's condition or because your HBP balance was not zero on January 1 of the year you wanted your participation period to start, you may be able to participate in a later year.

First-time home buyer – If, during the period beginning January 1 of the fourth year before the year of withdrawal and ending 31 days

before your withdrawal, neither you nor your spouse, nor common-law partner owned a home that you occupied as your principal place of residence, you may be able to participate in the HBP. For example, if in 1999 you sold the home you previously lived in, you may be able to participate in 2004. Or if you sold the home in 2000, you may be able to participate in 2005.

HBP balance – If you have previously participated in the HBP, you can do so again if your HBP balance on January 1 of the year in which you want your new participation to begin is zero, and you meet all the other HBP conditions that apply to your situation.

For example, you withdraw funds from your RRSPs under the HBP in 1997. Your repayment period is from 1999 to 2013. If you repay the funds you withdrew over the full 15-year repayment period, you may be able to participate in the HBP again in 2014. If you completed repaying the funds in 2006, you may be able to participate in the HBP again in 2007.

Note

If you repay the remainder of your HBP balance owing by designating an RRSP contribution made in the first 60 days of the

following year, we consider your HBP balance to be zero on January 1 of the year in which the contribution was made.

Can you use funds withdrawn under the HBP for other purposes?

As long as you buy or build a qualifying home, and meet all the applicable conditions to participate in the HBP, you can use the funds you withdrew under the HBP for any purpose.

Can you participate in the Lifelong Learning Plan (LLP) at the same time?

You can participate in the HBP even if you have withdrawn funds from your RRSPs under the LLP that you have not yet fully repaid. For more information about the LLP, see the guide RC4112, LIFELONG LEARNING PLAN (LLP).

HOME BUYERS' PLAN (HBP) – CANCELLATION

Complete this form to advise us that you have not met one of the following HBP conditions (please check the box that applies to you):

- A qualifying home or replacement property was not bought or built
- I ceased to be a resident of Canada before a qualifying home or replacement property was bought or built.

If you meet one of the above stated HBP conditions, you can repay your HBP withdrawals to your RRSPs and the amount will not have to be included in your income. If you do not repay all of the amounts withdrawn, the unpaid amounts will have to be included in your income for the year you received the funds. You can make your cancellation payments to any of your RRSPs or to a new RRSP, with any issuer. For information on making cancellation payments, see "Cancelling your participation" on page 59 [12].

Last name		First name and initials			
Address					
City		Province/Territory		Postal code	
Telephone number ()		Social insurance number			
Amount of cancellation payment (please attach official receipts)				\$	
Participant's signature			Date		

Send this form and your official RRSP contribution receipts
(if applicable) to:

Pension and RRSP Processing Group
Ottawa Technology Centre
875 Heron Road
Ottawa ON K1A 1A2

**Calculating the part of the contributions you or your spouse
or common-law partner made to an RRSP that is not
deductible for any year**

Use a separate chart for each withdrawal made under the HBP.

Area 1 – Complete this area if you are the only one who contributed to your RRSP during the 89-day period just before you withdrew an amount from that RRSP.

- | | | | |
|----|---|------------|----------|
| 1. | RRSP number _____ | | 1 |
| 2. | Amounts you contributed to the above RRSP during the 89-day period just before your withdrawal under the HBP from that RRSP. * | \$ _____ | 2 |
| 3. | Fair market value of the property held in the above RRSP just after your withdrawal. | – _____ | 3 |
| 4. | Line 2 minus line 3 (if negative, enter "0"). This is the amount of your contribution to the RRSP indicated on line 1 that you cannot deduct for any year. | = \$ _____ | 4 |

Area 2 – Complete this area if you contributed to your spouse's or common-law partner's RRSP during the 89-day period just before your spouse or common-law partner withdrew an amount from that RRSP.

5.	RRSP number _____	5
6.	Amounts you and your spouse or common-law partner contributed to the above RRSP during the 89-day period just before your spouse's or common-law partner's withdrawal under the HBP from that RRSP. **	\$ 6
7.	Fair market value of the property held in the above RRSP just after your spouse's or common-law partner's withdrawal.	– 7
8.	Line 6 minus line 7 (if negative, enter "0"). This is the amount of the contributions to the RRSP indicated on line 5 that is not deductible for any year. ***	= \$ 8

*** Do not include:**

- any amounts for which you did not receive an official RRSP receipt;
- contributions representing lump sum amounts (for example, retiring allowances) that you transferred to this RRSP (however, you have to include lump-sum amounts that represent contributions you made to another RRSP during the 89-day period just before your withdrawal, and that were transferred to the RRSP identified on line 1);
- the excess amount that you withdrew from your RRSPs in connection with the certification of a provisional past-service pension adjustment that you recontributed to this RRSP in the 89-day period just before your withdrawal, and for which you claim or will claim a deduction; or
- an amount you contributed to this RRSP that was refunded to you as an unused amount (you may have completed Form T3012A, TAX DEDUCTION WAIVER ON THE REFUND OF YOUR UNUSED RRSP CONTRIBUTIONS).

**** Do not include:**

- any amounts for which you or your spouse or common-law partner did not receive an official RRSP receipt;
- contributions your spouse or common-law partner made for amounts that he or she transferred to this RRSP (however, you have to include amounts that your spouse or common-law partner contributed to another RRSP during the 89-day period just before your spouse's or common-law partner's withdrawal, and that he or she transferred to the RRSP identified on line 5);
- the excess amount that your spouse or common-law partner withdrew from his or her RRSPs in connection with the certification of a provisional past-service pension adjustment that your spouse or common-law partner recontributed to this RRSP in the 89-day period just before his or her withdrawal, and for which your spouse or common-law partner claims or will claim a deduction; or
- an amount you or your spouse or common-law partner contributed to this RRSP that was refunded to you or your spouse or common-law partner as an unused amount (you or your spouse or common-

law partner may have completed Form T3012A, TAX DEDUCTION WAIVER ON THE REFUND OF YOUR UNUSED RRSP CONTRIBUTIONS).

*** If both you and your spouse or common-law partner contributed to the above RRSP during the 89-day period just before your spouse's or common-law partner's withdrawal under the HBP, the earliest contributions made during this period are the non-deductible contributions.