Canada Revenue Agency
Agence du revenu du Canada

Doing Business in Canada – GST/HST Information for Non-Residents

RC4027(E) Rev.06

Before you start

What's new

Effective July 1, 2006, under proposed legislation, the GST rate will be reduced from 7% to 6%, and the HST rate from 15% to 14%. This guide contains this proposed change to law which was current at the time of publication.

Is this guide for you?

This guide explains how the Canadian goods and services tax/harmonized sales tax (GST/HST) applies to non-residents doing business in Canada. It provides guidelines to help you determine whether you are carrying on business in Canada, information on GST/HST registration requirements, and instructions on how to charge, record, calculate, and remit GST/HST. It also provides detailed information about GST/HST as it applies to specific business activities carried on by non-residents of Canada.

> **Note**
> All references to dollar amounts are in Canadian dollars.

If you need more help after reading this guide, visit our Web site at **www.cra.gc.ca**, contact a Canadian consulate or embassy, or a tax services office in Canada. To ensure you receive prompt service for GST/HST registration and enquiries, each tax services office is responsible for specific geographical locations outside Canada. See the back cover of this guide for the mailing address and telephone number of the appropriate tax services office for your location.

If you want more general information on GST/HST, see our guide RC4022, *General Information for GST/HST Registrants*.

GST/HST and Quebec

As a result of an agreement between the Government of Canada and the Government of Quebec, Revenu Québec administers GST/HST in the province of Quebec. If you have a permanent establishment in Quebec that is a branch or division filing separate tax returns, we consider you to be a resident of Quebec for purposes of that establishment.

If you need tax help for the establishment located in Quebec, call Revenu Québec at **1-800-567-4692** (if you are in Canada or in the United States) or **(418) 659-4692** (if you are calling from outside Canada or the United States).

Forms and publications

Throughout this guide, we refer to forms and other publications, which you can get by visiting our Web site at **www.cra.gc.ca/forms**, by calling **1-800-959-2221** (from Canada and the United States) or **(613) 952-3741** (from outside Canada and the United States), or by contacting a consulate or embassy, or a tax services office in Canada. See the back cover of this guide for the mailing address and telephone number of the appropriate tax services office for your location.

Internet

Visit our Web site at **www.cra.gc.ca**. For customs information, visit the Canada Border Services Agency Web site at **www.cbsa.gc.ca**

Your opinion counts

We review our publications each 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:

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La version française de ce guide est intitulée Renseignements sur la TPS/TVH pour les non-résidents qui font affaire au Canada.

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Terms we use in this guide

Calendar quarter means a period of three consecutive calendar months ending on the last day of any of the following months: March, June, September, and December.

Calendar year means a year that starts on January 1 and ends on December 31.

Commercial activity means any business or adventure or concern in the nature of trade carried on by certain persons, but does not include the making of exempt supplies. It includes the supply of real property by any person, other than an exempt supply, and anything done in the course of making the supply or in connection with the supply.

Commercial activity does not include any business, or adventure or concern in the nature of trade carried on without a reasonable expectation of profit by an individual, personal trust, or partnership where all the members are individuals.

Exempt supply refers to goods and services that are not subject to GST/HST. You cannot claim input tax credits for the GST/HST paid or payable on expenses related to such supplies.

Fiscal year means:

- where a person has elected to change their fiscal year, the period that the person elected to be the fiscal year of the person; and
- in all other cases, the tax year of the person.

Input tax credit is a credit that GST/HST registrants can claim to recover the GST/HST they paid or owe for goods or services they acquired, imported, or brought into a participating province for use, consumption, or supply in their commercial activities.

Participating province means the province of Nova Scotia, New Brunswick, or Newfoundland and Labrador. It includes the offshore areas of Nova Scotia and Newfoundland where offshore activities are carried on in those areas.

> **Note**
> The HST rate in the participating province is 14% **on or after July 1, 2006**. Before July 2006, the rate was 15%. The GST rate in the rest of Canada is 6% on or after July 1, 2006. Before July 2006, the rate was 7%.

Person means an individual, partnership, corporation, estate of a deceased individual, trust, or any organization such as a society, union, club, association, or commission.

Public institution means a registered charity for income tax purposes that is also a school authority, public college, university, hospital authority, or local authority determined to be a municipality.

Public service body means a charity registered for income tax purposes, non-profit organization, municipality, school authority, hospital authority, public college, or university.

Registrant means a person that is registered or that is required to be registered for GST/HST.

Small supplier refers to a person whose worldwide taxable sales are equal to or less than $30,000 ($50,000 for public service bodies) in the current calendar quarter and over the last four consecutive calendar quarters. For detailed information on how to calculate the small supplier threshold, see page 7.

Supply means the provision of property or a service in any way, including sale, transfer, barter, exchange, licence, rental, lease, gift, and disposition.

> **Note**
> When we refer to **sales of goods or services** in this guide, we mean the supply of property or services. Property includes any real or personal property, and tangible or intangible property such as rights or goodwill.

Taxable supply refers to goods and services provided in the course of a commercial activity that are subject to GST/HST at the rate of 6% and 14% respectively (before July 2006, the rates were 7% GST and 15% HST), or 0% (zero-rated).

Zero-rated supply refers to a limited number of goods and services that are taxable at the rate of 0%. This means no GST/HST is charged on the sale of these goods and services, but GST/HST registrants can claim an input tax credit for the GST/HST they pay or owe on purchases and expenses made to provide them.

What is GST/HST?

GST is a tax that applies on most taxable supplies made in Canada. The three participating provinces (Nova Scotia, New Brunswick, and Newfoundland and Labrador) harmonized their provincial sales tax with GST to create the harmonized sales tax (HST). HST applies to the same base of goods and services as GST.

Changes to the GST/HST rates are proposed to come into effect July 1, 2006. This proposed change to the law was current at the time of printing. Before July 2006, GST was 7% and HST was 15% (7% federal part and 8% provincial part). On or after July 1, 2006, GST is 6% and HST is 14% (6% federal portion and 8% provincial part).

GST/HST registrants who make taxable supplies (other than zero-rated supplies) in the three participating provinces collect tax at the HST rate. They collect tax at the GST rate on taxable supplies of goods and services they make in the rest of Canada (other than zero-rated supplies). For more information on HST, see our guide RC4022, *General Information for GST/HST Registrants*.

Who pays GST/HST?

Almost everyone has to pay GST or HST on taxable goods and services. The only groups or organizations that do not always pay GST or HST on their taxable purchases are provincial and territorial governments, Indians and Indian bands.

How does GST/HST work?

As a GST/HST registrant, you have to charge and collect GST or HST on the goods and services you provide that are taxable (other than zero-rated sales). For information on registration, see page 7.

Taxable goods and services

Most goods and services supplied or imported into Canada are taxable for GST/HST purposes. Under proposed legislation, the GST rate is reduced from 7% to 6%, and the HST rate from 15% to 14%. These rate changes are proposed to come into effect on July 1, 2006. This proposed change to the law is current at this moment.

Examples of supplies of goods and services for which you charge and collect GST/HST include:

- rentals of commercial real property;
- sales and leases of automobiles;
- gasoline;
- car repairs;
- taxi and limousine fares;
- legal and accounting fees;
- sales of publications such as books, magazines, and periodicals;
- franchise fees; and
- hotel accommodation.

Examples of supplies of goods and services taxable at 0% (zero-rated) include the following:

- basic groceries such as milk, bread, and vegetables;
- agricultural products such as wheat, grain, raw wool, and unprocessed tobacco;
- prescription drugs, and drug-dispensing fees;
- medical devices such as hearing aids, and artificial teeth;
- international passenger air travel, except to the continental United States and the islands of St. Pierre and Miquelon;
- inbound international freight transportation services for transporting goods to the destination specified by the shipper;
- outbound international freight transportation services for transporting goods when the charge for the service is $5 or more; and
- exports—most goods and services for which you charge and collect GST/HST in Canada are zero-rated when exported.

As a GST/HST registrant, you can claim an input tax credit for any GST/HST you paid or owe on business purchases used to provide taxable goods and services (including zero-rated supplies).

Exempt goods and services

A small number of goods and services are exempt from GST/HST—that is, no GST/HST applies to them. Examples include the following:

- most health, medical, and dental services performed for medical reasons by licensed physicians or dentists;
- bridge, road, and ferry tolls—ferry tolls are zero-rated if the ferry service is to or from a place outside Canada;
- most educational services such as courses supplied by vocational schools and leading to certificates or diplomas that allow the practice of a trade or a vocation;
- most services provided by financial institutions; and
- residential rents.

Taxable and exempt goods and services

Taxable	Exempt
↓	↓
Charge GST/HST (including zero-rated)	Do not charge GST/HST
↓	↓
You can claim input tax credits	You cannot claim input tax credits

Determining resident and non-resident status in Canada

This section provides guidelines to help you determine whether you are a resident or a non-resident of Canada for GST/HST purposes.

Individuals

Residency status is determined according to general legal principles. These principles are the same as some of those used in the Canadian *Income Tax Act*:

- the length and reason for your stay abroad;
- your residential ties with Canada;
- your residential ties elsewhere; and
- the regularity and length of your visits to Canada.

For example, if you have a dwelling place, spouse and dependants, personal property, and social ties in Canada, this is a strong indication that you are resident in Canada.

In addition, government personnel living abroad are treated as residents of Canada for GST/HST purposes.

These guidelines are outlined in Interpretation Bulletin IT-221, *Determination of an Individual's Residence Status*.

Persons other than individuals

A person other than an individual includes a corporation, partnership, trust or estate, club, association, commission, or other organization. These persons are considered to be Canadian residents for GST/HST purposes in the following circumstances:

- a corporation is resident if it is incorporated or continued in Canada, but not continued elsewhere;
- a partnership, unincorporated society, club, association, organization, or a branch of any of these entities is resident if the member, or a majority of the members having management and control, is or are resident in Canada at that time; or
- a labour union is resident if it is carrying on labour union activities in Canada and has a local union or branch in Canada at that time.

A corporation that is not incorporated in Canada may still be considered to be resident in Canada under general legal principles. It is also considered to be a resident of the place where its central management and control mechanisms are located. Factors that determine whether an organization is centrally managed or controlled include the place where:

- its directors live and hold their meetings;
- its shareholders live and hold their meetings;
- its managers live and hold their meetings; and
- the organization performs its principal business and operations, and keeps its books and records.

In general, a trust is resident in the country where the trustee who has management and control of the trust lives. If more than one trustee has management and control, the trust is resident in the country where the majority of the trustees live.

Permanent establishment

Even if persons are considered to be non-residents based on any of the previous factors, they may be considered to be Canadian residents in relation to activities carried on through their permanent establishment in Canada.

A permanent establishment of a person means:

- a person's fixed place of business, including a place of management, a branch, an office, a factory, or a workshop, and a mine, an oil or gas well, a quarry, timberland, or any other place where natural resources are extracted, through which the person supplies goods or services; or
- a fixed place of business of someone else—other than a broker, general commission agent, or other independent agent acting in the ordinary course of business—who is acting in Canada on behalf of the person and through whom the person supplies goods and services in the ordinary course of business.

If you are a Canadian resident, but have a permanent establishment located outside Canada, we consider you to be a non-resident of Canada only for the activities carried on through that establishment.

Whether a person has a permanent establishment in Canada is a question of fact requiring consideration of all relevant facts.

For more information, see our GST/HST Policy Statement P-208R, *Meaning of "permanent establishment" in subsection 123(1) of the Excise Tax Act (the Act).*

Are you carrying on business in Canada?

Determining whether you are carrying on business in Canada is an important step in establishing whether or not you have to register for GST/HST. Non-residents who carry on business in Canada must register for GST/HST if they make taxable supplies in Canada and are not small suppliers.

> **Note**
> A non-resident person is not necessarily considered to be carrying on business in Canada for income tax purposes simply because that person is carrying on business in Canada for GST/HST purposes.

Meaning of carrying on business

A business includes a profession, calling, trade, manufacture, or undertaking of any kind, whether or not the activity or undertaking is performed for profit. It also includes any activity done regularly or continually that involves providing property by way of lease, licence, or similar arrangement. This does not include an office or employment.

The meaning of business is not limited to the examples noted above, but also includes the commonly accepted meaning of business.

Carrying on business means that the business activity in question is done regularly or continually. There are no rules to establish what levels of activity are regular or continuous. Each case is evaluated on its own facts such as the person's history and intentions.

Meaning of carrying on business in Canada

After you determine if you are carrying on business, you have to determine if you are carrying on business in Canada. You can be carrying on business in Canada even if you do not have a permanent establishment in Canada.

Whether a person is carrying on business in Canada is a question of fact requiring consideration of all relevant facts. The factors that will be considered in determining whether a non-resident person is carrying on business in Canada for GST/HST purposes in a particular situation are:

- the place where agents or employees of the non-resident are located;
- the place of delivery;
- the place of payment;
- the place where purchases are made or assets are acquired;
- the place from which transactions are solicited;
- the location of assets or an inventory of goods;

- the place where business contracts are made;
- the location of a bank account;
- the place where the non-resident's name and business are listed in a directory;
- the location of a branch or office;
- the place where the service is performed; and
- the place of manufacture of production.

For more information, see our Policy Statement P-051R2, *Carrying on Business in Canada*.

Should you register?

You have to register for GST/HST in the following cases:

- you provide taxable, including zero-rated, goods or services in Canada in the course of carrying on commercial activity in Canada and you are not a small supplier;
- you make taxable supplies of admissions in Canada for a place of amusement, a seminar, an activity, or an event held in Canada, even if you are a small supplier;
- you host a convention in Canada, and more than 25% of the delegates are residents of Canada; or
- you are not a small supplier and you solicit sales for books, newspapers, magazines, periodicals, or similar printed publications in Canada or you offer such goods for sale in Canada, either through an employee or agent, or by means of advertising directed at the Canadian market, and send the publications by mail or courier to the recipient at an address in Canada.

  Note
  Persons that are already registered for GST are automatically be registered for HST.

Companies, corporations, and partnerships register for GST/HST as single entities. Branches and divisions cannot usually register separately. However, if you have divisions or branches that have separate accounting systems, and are separately identifiable by virtue of their activities or locations, you can apply to have these branches file separate GST/HST returns. Visit our Web site at **www.cra.gc.ca** or contact a tax services office to ask for Form GST10, *Application or Revocation of the Authorization to File Separate GST/HST Returns and Rebate Applications for Branches or Divisions*.

You do not have to register if you are:

- a non-resident who does not carry on business in Canada;
- a non-resident who carries on business in Canada, but who qualifies as a small supplier (except if you make taxable supplies of admissions in Canada for a place of amusement, a seminar, an activity, or an event held in Canada); or
- a non-resident who sells taxable real property located in Canada otherwise than in the usual course of a business.

Small supplier

You are a small supplier if you meet one of the following conditions:

- you are a **sole proprietor**, and your total gross taxable revenues from all your businesses are $30,000 or less in the last four consecutive calendar quarters and in a single calendar quarter;
- you are a **partnership or a corporation**, and your total gross taxable revenues are $30,000 or less in the last four consecutive calendar quarters and in any single calendar quarter; or
- you are a **public service body**, and the total gross taxable revenues from all your activities are $50,000 or less in the last four consecutive calendar quarters and in any single calendar quarter. Also, a gross revenue threshold applies to charities and public institutions. For more information, see our guide RC4082, *GST/HST Information for Charities*.

In all cases, total taxable revenues means worldwide revenues from your sales subject to GST/HST (including zero-rated supplies). It includes the total taxable revenues of all your associates, but does not include sales of capital property, financial services, and goodwill. If you need help to determine if you are associated with another person, contact your tax services office.

Voluntary registration

Even if you do not have to register for GST/HST because you are a small supplier or because you do not carry on business in Canada, you can choose to register voluntarily in the following cases:

- you are engaged in a commercial activity in Canada;
- you are a non-resident person who in the ordinary course of carrying on business outside Canada, regularly solicits orders for goods (except prescribed goods) to be exported or delivered to Canada; or
- you are a non-resident person who in the ordinary course of carrying on business outside Canada, enters into an agreement to supply services to be performed in Canada, or intangible personal property such as intellectual property to be used in Canada or that relates to real property situated in Canada, to goods that are ordinarily situated in Canada, or to services to be performed in Canada.

If you choose to register voluntarily, you have to stay registered for at least one year. By registering, you can claim input tax credits for the GST/HST you pay or owe on Canadian purchases used in your commercial activities. If you are a small supplier and register voluntarily, you have to charge, collect, and remit GST/HST on your taxable sales (other than zero-rated).

Exception
Voluntary registration is not an option for persons entering Canada to charge admission fees to a place of amusement, a seminar, an activity, or an event. Such persons have to apply for GST/HST registration before selling any admissions.

Business Number

If you have to register for GST/HST or you choose to do so voluntarily, contact a tax services office to apply for a Business Number (BN). You can provide the necessary information over the phone, or request Form RC1, *Request for a Business Number (BN)*, to complete and return to us later. It is the person or business entity that registers for GST/HST. For example, it is the partnership that registers and not each partner.

The BN provides businesses with one number that applies to our four main business accounts: corporate income tax, payroll deductions, GST/HST, and import/export. The BN will be your business identification for all your dealings with us. For more information, see our booklet RC2, *The Business Number and Your Canada Revenue Agency Accounts*.

Security deposit

If you do not have a permanent establishment in Canada, or if you make supplies in Canada only through another person's fixed place of business, and you apply to be registered for GST/HST, you have to provide us with security.

The initial amount of the security deposit is 50% of your estimated net tax, whether positive or negative, during the 12-month period after you register. For subsequent years, the amount of security is equal to 50% of your actual net tax for the previous 12-month period whether this amount is positive or negative. The maximum security deposit that we may require is $1 million, and the minimum is $5,000.

Your security deposit may be in the form of cash, certified cheque, money order, or a qualifying bond. We do not accept non-transferable bonds such as Canada Savings Bonds. Contact your tax services office for current security requirements.

Note
All security deposits are payable in Canadian dollars.

Exception
If you estimate that you will sell or provide taxable goods and services in Canada of not more than $100,000 annually and your net GST/HST will be between $3,000 remittable and $3,000 refundable annually, a security deposit is not required.

Foreign conventions

If you are hosting a meeting, convention, trade show, conference, or similar event in Canada that is closed to the general public, you do not have to register for GST/HST in the following cases:

- you can reasonably expect that at least 75% of the delegates are non-residents of Canada; and
- the head office of your corporation or organization is situated outside Canada or, if you do not have a head office, the member or majority of members with management and control of the corporation or organization are non-residents of Canada.

If more than 25% of the delegates are reasonably expected to be Canadian residents, you have to register for GST/HST and you must do so before the event takes place.

If you are a non-resident exhibitor, the requirement to register for GST/HST is based on whether you are carrying on business in Canada or whether you sell admission fees directly to spectators or attendees.

If you would like more information about foreign conventions, see our booklet RC4160, *Tax Refund for Non-Resident Travel Organizers and Foreign Conventions*.

Calculating GST/HST

If you are a GST/HST registrant, you have to calculate the following for each reporting period:

- GST/HST you charged or collected; and
- GST/HST you paid or were charged on purchases used in your commercial activities.

The difference between these two amounts, plus or minus any adjustments, is the amount of either your GST/HST remittance, or your GST/HST refund. This is your **net tax**. If the difference is a positive amount, send us this amount with your GST/HST return. If the difference is a negative amount, we will refund this amount to you.

Input tax credits

If you are a GST/HST registrant, you get back the GST/HST you paid or owe on your Canadian operating expenses and on your purchases for use in your Canadian commercial activities, that is, the purchases and expenses you use to provide taxable (including zero-rated) goods and services. You can also get back any GST/HST paid or owing on goods imported into Canada for use in the course of your commercial activities. You recover the GST/HST you paid or owe by claiming an input tax credit (ITC) on **line 106** of your GST/HST return.

Most registrants claim their ITCs when they file their GST/HST return for the reporting period in which they made their purchases. You can, however, claim your ITC in any subsequent return filed within four years of the due date of the return for the reporting period in which you made the purchase that qualifies for the ITC.

Note
The time limit for claiming ITCs for a reporting period is reduced from four to two years for the following:

- listed financial institutions; and
- persons or businesses with annual taxable sales of more than $6 million for each of the two previous fiscal years.

The two-year time limit does not apply to the following persons, even if they fall into the above two categories—these registrants have four years to claim their ITCs:

- charities; and

- persons or businesses with annual taxable sales of more than $6 million in the two previous fiscal years if at least 90% of their sales are from taxable sales, other than financial services.

Under the two-year time limit, the ITC must be claimed by the due date of the return for the last reporting period that ends within two years after the end of the fiscal year that includes the reporting period for which the ITC could have first been claimed.

Input tax credits for reimbursements and allowances paid to employees and partners

If you are a GST/HST registrant and you reimburse your employees or partners (in the case of a partnership), or pay them a reasonable allowance for expenses they incurred in Canada, you can claim an ITC for the GST/HST you pay on the reimbursement or allowance.

If you are a non-resident corporation or a non-resident affiliate of a Canadian corporation and send your employees to Canada for meetings, training sessions, work projects, and so forth, you have to be a GST/HST registrant to claim an ITC for the GST/HST you pay on expenses incurred by your employees.

Employees of a non-resident affiliate of a Canadian corporation are not employees of the Canadian corporation. Therefore, you cannot recover the GST/HST you paid or owe on your employees' expenses in Canada by having the Canadian corporation reimburse the employees and claim the ITC. However, unregistered non-resident businesses can claim a rebate of the GST/HST they pay on short-term accommodation for non-resident employees on business travel by completing Form GST510, *Application for Business Travel Tax Refund.*

Input tax credits on imports into Canada

If you are an importer, you have to pay GST or the federal part of HST on commercial goods you import into Canada, whether or not you are a GST/HST registrant. If you are a registrant, you can claim an ITC to recover the GST or the federal part of HST you pay or owe if the goods are imported for use in the course of your commercial activities in Canada.

Flow-through of input tax credits

If you import goods into Canada and you are not a GST/HST registrant, you cannot claim an ITC for the GST or the federal part of HST in respect of the importation. However, if you sell the imported goods to a GST/HST registrant, that registrant may be able to claim the GST or the federal part of HST you paid at the time of import as an ITC. As long as you give the registrant satisfactory proof that you paid GST or the federal part of HST when you imported the goods, you can pass on the ITC to that registrant. Satisfactory proof includes a copy of Form B3-3, *Canada Customs Coding Form*, showing that GST or the federal part of HST was paid at the time of import.

You may also need the sales invoice, an agreement in writing between you and the buyer, or other relevant documents showing the following:

- that the goods were delivered, or made available to the registrant in Canada without being used by you in Canada; and
- the quantity of goods bought.

If you distribute products to more than one registered customer who is a Canadian resident, Form B3-3 alone may not provide enough information to support an ITC claim by your customers. For instance, there may not be a Form B3-3 for each transaction. If this is the case, your customers must get a statement from you indicating the amount of tax paid or payable on the goods delivered to them. Each declaration must be accompanied by the corresponding Form B3-3 transaction number.

You can also pass on an ITC to a registrant if the registrant takes physical possession of the imported goods for the purpose of supplying commercial services, including the following:

- manufacturing;
- testing;
- processing, which includes marginal manufacturing such as packaging, repackaging, finishing, and cutting to size;
- evaluation;
- inspecting; and
- repair or maintenance.

Again, you have to give the registrant satisfactory proof that you paid GST or the federal part of HST when you imported the goods.

> **Note**
> Certain public service bodies may also claim a rebate to recover part of the tax paid. For more information, see our guide RC4034, *GST/HST Public Service Bodies' Rebate*.

Simplified accounting methods

We have developed two simplified accounting methods to help reduce paperwork and bookkeeping costs associated with calculating GST/HST:

- a simplified method to calculate ITCs; and
- a Quick Method of accounting to calculate your net GST/HST remittance.

If you qualify to use these methods, you can use either one or both of them for any given fiscal year.

Simplified method to calculate input tax credits

If you do not want to show the GST/HST payable separately in your books and records, you can use the simplified method to calculate your ITCs.

You can use this method if you meet the following criteria:

- you are a GST/HST registrant;
- you are not a listed financial institution;
- your total annual revenues from taxable goods and services provided in Canada, including those of your associates, are $500,000 or less in your previous fiscal year; and
- you purchase less than $2 million in taxable purchases in Canada annually; the $2 million limit does not include zero-rated purchases, but includes purchases imported into Canada.

Note
When you calculate your total annual revenues, do not include supplies of goodwill, financial services or sales of capital real property.

If you qualify, you can start using the simplified method at the beginning of any reporting period in a fiscal year. You do not have to file any forms to use this method. Once you decide to use it, you have to continue using it for at least one year, as long as you continue to qualify.

With the simplified method, you do not have to separate the amount of GST/HST payable on each invoice; instead, you only have to track the total amount of your eligible taxable purchases. However, you have to segregate your GST-taxable purchases from your HST-taxable purchases, and you have to keep the usual documents to support your ITC claims for audit purposes.

To calculate ITCs using the simplified method, follow these steps.

Step 1

Separately total your business purchases and expenses that are taxable at 7% GST before July 2006, 6% on or after July 1, 2006, 15% HST before July 2006, and 14% on or after July 1, 2006 and for which you can claim an ITC. Include capital property purchases and improvements that you use more than 50% in your commercial activities. Your totals will include the following:

- the amount that you paid for each item;
- GST or HST;
- any other non-refundable or non-rebatable provincial sales taxes (PST) only for 7% or 6% GST-taxable purchases;
- all taxes or duties paid on imported goods;
- reasonable tips;
- interest and late-penalty charges on taxable purchases; and
- reimbursements paid to employees, partners, and volunteers for taxable expenses.

Do **not** include:

- expenses on which you have not paid GST/HST such as employees' salaries, insurance payments, interest, other exempt or zero-rated purchases, and purchases from a non-registrant;
- purchases you made outside Canada that are not subject to GST/HST;
- real property purchases;
- refundable or rebatable provincial sales taxes;
- purchases for which you are not entitled to claim ITCs such as:
  - the part you use for personal use, or you use to provide exempt goods and services;
  - capital personal property that you do not use more than 50% in your commercial activities; and
  - the part of the cost of a passenger vehicle that exceeds the capital cost limitation for income tax purposes;
- 50% of meal and entertainment expenses—you can also include 100% of the expense and make the 50% adjustment at the end of your fiscal year;
- if you are an individual or partnership, passenger vehicles or aircraft that you bought or imported and that you will not use 90% or more in commercial activities; and
- amounts you paid or that are due in reporting periods before you started using the simplified method to calculate your ITCs.

Note
If you are also using the Quick Method of accounting, include only those business purchases for which you can claim ITCs such as purchases of capital equipment.

Step 2

Where you are entitled to claim full ITCs, multiply your eligible purchases and expenses from step 1 by

- 7/107 for 7% GST purchases;
- 6/106 for 6% GST purchases;
- 15/115 for 15% HST purchases; or
- 14/114 for 14% HST purchases.

Step 3

Where you are entitled to claim full ITCs, add the following, if they apply, to your ITC amount that you calculated in step 2:

- ITCs you did not claim before you started using the simplified method, as long as the time limit for claiming them has not expired;
- GST/HST you paid on real property purchases; and
- if you are an individual or a partnership, the ITC you can claim for a passenger vehicle or an aircraft used less than 90% in your commercial activities.

Enter this total on **line 106** of your GST/HST return.

The following example shows you (where you are entitled to claim full ITCs) how to calculate your ITC for various purchases and expenses.

Example (6% GST, 8% PST)

Description	Expenses*
Rent	$ 1,070
Employees' salaries**	3,000
Insurance**	50
Capital expenditures used more than 50% in commercial activities	574
Advertising	214
Office supplies	230
Inventory purchases	1,150
Land***	21,400
Total purchases and expenses	$27,688

* Includes GST and non-refundable PST.
** GST does not apply.
***Does not include any PST.

Step 1

Add all purchases and expenses, including GST and PST	$27,688.00
Less employees' salaries, insurance, and land ($3,000 + $50 + $21,400)	($24,450.00)
Taxable expenses	$3,238.00

Step 2

Multiply taxable expenses by 6/106 ($3,238 × 6/106)	$183.28

Step 3

Add ITC on land ($21,400 × 6/106)	$1,211.32
ITC	**$1,394.60**

Quick Method of accounting

The Quick Method of accounting is a simplified way to calculate the amount of GST/HST to send to us. If your total annual worldwide taxable sales and those of your associates are $200,000 or less, including GST/HST, in any four consecutive fiscal quarters over the last five fiscal quarters, you can choose to use the Quick Method. The $200,000 limit does not include the following:

- supplies of financial services;
- sales of real property;
- sales of capital assets; and
- goodwill.

Certain registrants such as lawyers, accountants, bookkeepers, and financial consultants cannot use the Quick Method.

How does the Quick Method work?

With the Quick Method, you charge and collect GST or HST on the taxable goods and services you sell or provide to your customers in the usual way. But, to calculate the net GST/HST to remit, multiply your taxable sales, including GST/HST, made during the reporting period by the Quick Method remittance rate or rates that apply to your sales.

There are several remittance rates. The remittance rates depend on; whether you are in the service or retail and manufacturing business, on the province in which your permanent establishment is located, and where your supplies are made.

For complete information, see our booklet RC4058, *Quick Method of Accounting for GST/HST*, which provides information to help you determine which rate or rates apply to your sales.

Filing your GST/HST returns

Reporting periods

When you register for GST/HST, we give you a reporting period for filing your GST/HST returns and remitting your payments. This reporting period is based on your total annual sales of taxable, including zero-rated, goods and services, as well as the annual taxable sales of all your associates, if applicable. In determining your total taxable sales, do not include sales made outside Canada, zero-rated exports of goods and services, financial services, capital real property, or goodwill.

If you apply to be registered and qualify for annual filing, you will automatically be assigned an annual reporting period. If you want to file more frequently, you can choose to file your GST/HST returns monthly or quarterly. Call us, or complete election Form GST20, *Election for GST/HST Reporting Period*, and return it to your tax services office, if you want to use a different reporting period.

Reporting periods and options

Annual taxable sales and revenues	Assigned reporting period	Optional reporting periods
more than $6,000,000	monthly	nil
more than $500,000 to $6,000,000	quarterly	monthly
$500,000 or less	annual	monthly or quarterly

If you file annually, you may have to pay four instalments each year. These quarterly instalments are based on an estimate of your net tax for the current year or the amount of net tax for the previous year, whichever amount is less. The GST/HST return you complete at the end of the year will reconcile your instalments with the amount of net tax you owe.

If you base your instalments on an estimate of the current year's net tax, it is important that your estimate be as accurate as possible. If you underpay your instalments, you will be subject to penalty and interest charges. If you base your instalments on the net tax remitted the previous year, we will not charge you penalty and interest on the year-end adjustment if the balance is paid by the due date.

Exception
If your total net tax remittable for the current or previous year is less than $1,500, you do not have to make quarterly instalments for the current year. You only have to file your GST/HST return and send us the GST/HST owing once a year. Businesses with branches or divisions that file separate returns should note that this $1,500 limit applies to the total net tax for the whole business, and not to the net tax for each branch or division.

Filing due dates

If your reporting period is monthly or quarterly, you have to file your GST/HST return and remit any amount owing no later than one month after the end of your reporting period.

If your reporting period is annual, you have to file your GST/HST return and remit any amount owing no later than three months after the end of the fiscal year. If you have to pay quarterly instalments, they are due no later than one month after the last day of each fiscal quarter.

For individuals with business income for income tax purposes who are also GST/HST annual filers with a December 31 fiscal year-end, the due date for filing the GST/HST return is June 15. However, any GST/HST remittance is due April 30 and must be paid by then to avoid penalty and interest.

Exception
In some situations, you may have to file a GST/HST return before leaving Canada. For example, if you give a performance where you sell admission fees, you have to file a GST/HST return and remit any GST/HST due before you or any of your employees leave Canada. You have to do this even if your reporting period has not yet ended.

Filing nil returns

If you are registered for GST/HST, you have to file a GST/HST return for every reporting period, even if you do not have any net tax to remit and you are not expecting a refund. In other words, even if you do not have any business transactions in a reporting period, you still have to file a return. If you fail to do this, it may delay refunds for later reporting periods and you can expect to receive a failure to file reminder notice. We may also charge a penalty for not filing a GST/HST return.

Completing your GST/HST return

Once you know your reporting periods and your filing due date, you are ready to complete your GST/HST return. Calculate the total amount of GST/HST you have collected or charged on your taxable supplies during the reporting period, as well as the total amount of GST/HST that you paid or owe on your business purchases and expenses. Use these figures to complete the GST/HST return that we send to you automatically each reporting period.

If you are filing a nil return, be sure to complete it using zeros. Do not send us a blank return.

You have to complete and sign your GST/HST return and remit your payment in Canadian dollars.

How to file your GST/HST return

If you have to make a remittance, either

- mail your return and remittance to the address shown on your return by the due date; or
- take your return and remittance to any participating financial institution in Canada, unless you are offsetting an amount owing by a rebate or refund. If your GST/HST remittance is $50,000 or more, you have to make it at a financial institution.

If you are paying at a financial institution and your return includes attached documentation, you have to send the attached documentation to us separately.

Be sure to include your original GST/HST return—not a photocopy—with your remittance. Print your Business Number on your cheque and make the cheque payable to the Receiver General. Do not send cash in the mail. To avoid processing delays, do not attach receipts or other supporting documents to your GST/HST return. We must receive your remittance by the date on which the GST/HST is due, or we will charge penalty and interest.

Books and records

Every person who carries on a business or is engaged in a commercial activity in Canada, every person who is required to file a return for purposes of GST/HST, and every person who makes an application for a rebate or refund, should keep records in English or French in Canada. If you find this impractical, you can submit a written request to your tax services office asking for permission to keep such books and records outside Canada. The request has to include the following:

- the reasons for keeping the books and records outside Canada; and
- an address where we can examine the books and records.

We will review your request and notify you as to whether or not we will grant permission. Permission to keep books and records outside Canada may be subject to certain conditions. These conditions will be identified in an agreement signed by you or a person authorized to sign for you, and may include an undertaking to:

- make the books and records available to us;
- give every opportunity necessary to inspect the books, records, accounts, and vouchers; and
- pay the travel and living expenses incurred by us to perform the inspection.

We may also ask for access to foreign-based information or records maintained or located outside Canada that we need to administer the GST/HST. You have to keep all records and books of account for a period of six years from the end of the calendar year to which they refer.

Note
If you want to destroy your books and records before the six-year time limit, you have to get written permission from us.

Goods and services imported into Canada

Goods

Commercial goods imported into Canada are subject to GST or the federal part of HST at 7% before July 2006, or 6% if they are imported or released on or after July 1, 2006, except for non-taxable imports (listed in the Appendix on page 26).

Taxable **non-commercial** goods imported by a resident of a participating province are subject to HST on importation, except for motor vehicles required to be registered in a participating province. The provincial part of HST on imported motor vehicles is payable when the vehicle is registered in a participating province. Taxable non-commercial goods imported into the rest of Canada are subject to GST.

Canada Border Services Agency (CBSA) calculates tax on the following:

- the value of the goods as determined under the *Customs Act* for the purpose of calculating duties imposed on the goods at a percentage rate, whether or not the goods are in fact subject to duty; and
- the amount of all duties and taxes, if any, payable under the *Customs Tariff*, the *Special Import Measures Act*, the *Excise Tax Act* (other than GST/HST), or any other Canadian law relating to the importation of goods into Canada.

Although the provincial part of HST is not payable when you import commercial goods that are destined for the participating provinces, the goods may be subject to self-assessment of the 8% provincial part of HST once they are brought into a participating province.

If you are a GST/HST registrant and you will be using the goods 90% or more in the course of your commercial activities, you do not have to self-assess the provincial part of HST. If you are a GST/HST registrant and you will not be using the goods 90% or more in the course of your commercial activities, you will have to self-assess the provincial part of HST on line 405 of your regular GST/HST return. If you are not a GST/HST registrant, you have to self-assess the provincial part of HST on Form GST489, *Return for Self-Assessment of the Provincial Part of Harmonized Sales Tax (HST)*.

However, under certain conditions, the provincial part of HST is not applied to property. For more information, see Technical Information Bulletin B-079, *Self-Assessment of the HST on Supplies Brought Into a Participating Province*.

You have to declare and report imported goods to CBSA for immediate inspection. When the goods are sent by common carrier, the carrier has to report their arrival to CBSA. In all other cases, the person importing the goods has to declare and report the goods to CBSA.

The person responsible for paying the tax on imported goods is the person who is responsible for paying the customs duty, or who would be responsible if the goods were subject to duty.

If you are importing goods and you are a GST/HST registrant, you can claim an ITC for the tax you paid or owe on the imported goods **to the extent that the goods are for consumption, use, or supply in your commercial activities in Canada**.

Time of payment

Duties and taxes on imported goods are payable when CBSA processes the accounting or entry documents. Importers or their customs brokers can post security to guarantee that customs duties and GST or the federal part of HST will be paid. When security has been posted, the presentation of accounting documents and the payment of duties and GST or the federal part of HST can take place after CBSA has released the goods.

Importers who have posted security with CBSA can take advantage of periodic payment rules. Under these rules, importers can delay paying any duties and taxes until the last business day of the current calendar month for goods imported and accounted for between the 25th of the past calendar month and the 24th of the current calendar month.

Under the periodic payment system, importers still have to account for their imports daily, and will continue to have up to five business days after the date of release to present the accounting documents to CBSA.

Place of supply

You do not collect GST/HST on goods sold and delivered outside Canada.

If you are a GST/HST registrant and a non-resident importer of record who clears goods through CBSA and arranges delivery to Canadian purchasers from within Canada:

- you pay GST or the federal part of HST at the time of importation;
- you claim an ITC for GST or the federal part of HST you paid or owe if the imported goods are for use in your commercial activity; and
- you charge GST/HST to your customers on the sale price.

If you are not a GST/HST registrant and you import commercial goods into Canada:

- you pay GST or the federal part of HST at the time of importation; and
- you do not charge GST/HST to Canadian customers, even when the goods are delivered or made available to customers in Canada.

If you are not a GST/HST registrant, you cannot claim ITCs for GST or the federal part of HST you pay at the time of importation. However, if a customer is a GST/HST registrant, the customer may be able to claim ITCs. For more details, see "Flow-through of input tax credits", on page 9 of this guide.

Temporary imports

Commercial goods imported into Canada are subject to GST or the federal part of HST. However, in certain circumstances such as importing goods for a temporary period, partial or full relief from GST or the federal part of HST may be available. If you import goods temporarily, you should contact a Canada customs office to determine if relief provisions apply to your situation. A variety of relief provisions are available for temporary importations of certain classes of goods.

Item 8 in the appendix to this guide outlines the *Non-Taxable Imported Goods (GST/HST) Regulations.* It lists the conditions under which goods can be imported into Canada without paying GST or the federal part of HST at the time of importation. The regulations provide relief in circumstances where the goods remain in Canada, as well as for some situations involving temporary importations of high-value items.

Examples of goods covered in these regulations are precious metals and goods for public exhibit by a public sector body such as artifacts in a King Tut exhibition for display at a public museum, as well as goods imported for repair in Canada. Certain items that are considered non-taxable importations in these regulations are described in the *Temporary Importation (Tariff Item No. 9993.00.00) Regulations*

The *Value of Imported Goods (GST/HST) Regulations* provide partial relief from GST or the federal part of HST under certain circumstances. The relief may be that GST or the federal part of HST is only payable on 1/60 of the value of the temporarily imported goods for every month the goods are in Canada. Examples of goods that are subject to this relief are vessels, railway rolling stock, and the temporarily imported conveyances described below. Certain items listed in these regulations are further described in the *Temporary Importation* (Tariff Item 9993.00.00) *Regulations*.

Temporarily imported conveyances

Usually, duty and taxes do not apply to foreign-based conveyances such as buses and aircraft engaged in the international commercial transport of passengers or freight. However, buses and aircraft imported temporarily under a short-term lease for use in Canada may be subject to GST or the federal part of HST based on 1/60 of the value of the conveyance for each month the conveyance is used in Canada. Buses or aircraft imported under this provision must be the subject of a short-term lease, that is, two years or less cumulative, between a lessee who is a Canadian importer and a lessor who is a person outside Canada with whom the importer is dealing at arm's length.

Imports by exporters of processing services

Generally, GST or the federal part of HST is payable on any goods imported into Canada for further manufacture or processing. However, registered Canadian businesses may not have to pay GST or the federal part of HST on goods they import that are owned by a non-resident person when the goods are imported for processing in Canada and subsequently returned to the non-resident owner. Processing includes the alteration, assembly, manufacture, modification, production, packaging, or repackaging of the imported goods.

Certain restrictions apply. The Canadian processor has to be a GST/HST registrant. The processor cannot be closely related to the non-resident owner of the imported goods to be processed and cannot have ownership interest in the imported goods or the processed by-products. The goods must be exported from Canada within four years of the date on which they were reported and accounted for on importation.

You must apply for authorization to import the goods without paying GST or the federal part of HST. For more information, contact a tax services office.

Goods imported by mail or courier

Certain goods valued at $20 or less that are imported into Canada by mail or courier are not subject to GST or the federal part of HST when entering Canada. Some exceptions to this include excisable goods (i.e., goods such as beer, alcohol, wine, and tobacco products), and prescribed publications. All goods valued at more than $20 are subject to GST or the federal part of HST, which we will assess. For more information on importing prescribed publications, see "Mail or courier imports of prescribed publications" on page 15.

CBSA examine all international mail to determine if a mail item is subject to customs duty, GST, or the federal part of HST. If an amount is payable, CBSA turns the item over to the Canada Post Corporation for delivery and collection of the amount owing from the addressee. Canada Post also collects a $5 handling fee from the addressee before releasing the item.

If you are mailing goods to Canada, place a customs postal declaration on the outside of packages to ensure that CBSA calculates the correct amount of duty and GST or the federal part of HST. The declaration should give a clear description of, and value for, the goods in the package. Without a declaration of the value, CBSA will have to use the best information available to determine the value on which to base the calculation of duty and GST or the federal part of HST payable.

Rebate and refund procedures

Recovering customs duties and GST or the federal part of HST paid in error on imported goods

If you **are not** a GST/HST registrant and you have overpaid duties, or GST or the federal part of HST, on on imported goods, you can recover the overpayment by filing Form B2, *Canada Customs – Adjustment Request*. CBSA will refund the duty part of the claim, and your tax services office will send you a rebate for the GST or the federal part of HST part of the claim. If you have any questions about your GST or the federal part of HST rebate, contact your tax services office.

If only GST or the federal part of HST was overpaid at the time of importation because the goods were not subject to customs duty, you can recover the overpayment by filing Form GST189, *General Application for Rebate of GST/HST*, after Form B2 has been processed by CBSA. If the problem relates to a redetermination of tariff classification or reappraisal of the value for duty of the goods, file Form B2 with customs officials. They will ask your tax services office to pay you the rebate of GST or the federal part of HST you are entitled to after the claim has been reviewed and approved.

If you **are** a GST/HST registrant, use Form B2 to recover an overpayment of customs duties and Form GST189 to recover an overpayment of GST or the federal part of HST on imported goods. If the rebate claim involves a customs issue such as a redetermination of tariff classification or reappraisal of value for duty, do not file a rebate application until CBSA has approved your Form B2 request. Then use the decision to support your claim for the rebate of GST or the federal part of HST.

Alternatively, if you have claimed an ITC to recover an amount you paid in error as GST or the federal part of HST on imported goods, no further action is required. If you claim an ITC for an overpayment of GST or the federal part of HST, you cannot claim a rebate for the same amount.

Special rebate and refund procedures

You may be able to claim a rebate of all or part of the GST or the federal part of HST paid on goods at the time of importation. This will apply under certain conditions when the goods:

- have been damaged or destroyed;
- are of an inferior quality, are defective, or are not what was ordered; or
- have been imported on consignment, approval, or a sale-and-return basis, and have been exported within 60 days for the purpose of returning them to the supplier.

If you are not a GST/HST registrant, file a rebate request with a customs office using Form B2.

Importers who are GST/HST registrants usually recover GST or the federal part of HST by claiming ITCs.

Services and intangible personal property

This section explains how GST/HST applies to imported services and intangible personal property acquired outside Canada, but used in Canada. Services include management and consulting services. Intangible personal property includes copyrights to creative works, film and stage rights, patents, and industrial design.

If you are a GST/HST registrant, you have to charge GST/HST on taxable (other than zero-rated) supplies of services that you perform in whole or in part in Canada and on intangible personal property that your customers buy from you for use in whole or in part in Canada. If your customers are GST/HST registrants, they can claim an input tax credit for the GST/HST you charged to the extent that the services or intangible personal property were imported for use in their commercial activities.

You do not charge GST or HST if you are not a GST/HST registrant. If your Canadian customer imports services or intangible personal property otherwise than for use exclusively in a commercial activity, the customer has to self-assess the GST or the federal part of HST payable on the value of the services or intangible personal property, and remit GST or the federal part of HST owing to us. However, a customer who imports services or intangible personal property to use exclusively in a commercial activity does not pay GST or the federal part of HST.

If you are a resident of a participating province and you receive an imported taxable supply of intangible personal property or a service, that is acquired for consumption, use, or supply primarily in the participating provinces and is for use otherwise than exclusively in a commercial activity, you will have to self-assess in accordance with a formula provided in the GST/HST legislation..

Supplies between branches

Where a person carries on business through a permanent establishment in Canada and through another permanent establishment outside Canada, the transfer of property or rendering of a service by one permanent establishment to another may be deemed to be a supply, so may be subject to GST/HST.

A proposed amendment to the law that was announced November 17, 2005, and is effective December 17, 1990, is intended to clarify that self-assessment of GST/HST applies to taxable imports of services and intangibles between separate branches of the same person. This proposed amendment will ensure that a transfer of property or a rendering of a service exits where a person uses resources outside Canada for, or allocates costs incurred for those resources to, a Canadian business of the person.

Also, the rules for supplies between branches no longer apply to financial institutions for tax years that include or commence after November 17, 2005. Instead, a new rule applies that requires affected financial institutions to self-assess GST/HST on certain expenses incurred outside Canada that are in respect of Canadian activities.

Mail or courier imports of prescribed publications

Special GST/HST rules allow non-resident publishers and other suppliers of prescribed publications sent to Canada by mail or courier to register for GST/HST. As a registered supplier, you collect GST/HST from your customers in Canada. If you have collected GST/HST on prescribed publications, we will not assess the tax on mail or courier imports, and Canada Post will not charge the $5 handling fee.

If you solicit sales of prescribed publications in Canada, you are considered to be carrying on business in Canada. You have to register and collect GST/HST from your customers, even though the order is supplied from a place outside Canada. This means that foreign publications sold to Canadian residents are taxed the same way as Canadian publications.

Prescribed publications

Prescribed publications include the following:

- books, newspapers, periodicals, magazines, and any similar printed publications, other than those described in section 1 of Schedule VII to the *Excise Tax Act*; and
- audio recordings that relate to publications and accompany those publications when submitted to Canada Post or a customs officer.

We consider you to be carrying on business in Canada if

- you solicit sales for books, newspapers, magazines, periodicals, or similar printed publications in Canada; or you offer such goods for sale in Canada, either through an employee or agent, or by means of advertising directed at the Canadian market; and
- you send the publications by mail or courier to the recipient at an address in Canada.

You have to register if you solicit sales for publications and your worldwide taxable sales over four consecutive calendar quarters or in any one calendar quarter exceed CAN$30,000.

Soliciting sales

As a guideline, soliciting sales includes the following:

- advertising the sale of books, newspapers, periodicals, or magazines using Canadian print or broadcast media directed at the Canadian market;
- advertising in non-Canadian broadcast or print media, where the advertisement is directed at the Canadian market. For example, you quote the sale price in Canadian dollars or include a special toll-free number or mailing address for Canadian subscribers;
- including subscription offer notices such as card inserts in your publications or in another company's publications that are targeted specifically at the Canadian market. For example, you might include a reference on the subscription offer insert stating that the offer is directed at the Canadian market such as pre-paid Canadian postage or a specific sale price quoted in Canadian funds;
- hand-delivering or mailing flyers or leaflets advertising the publication to Canadian homes and businesses;
- distributing labelled mail such as direct response mail advertising a publication to Canadian homes; and
- mentioning an additional charge in any currency for residents of Canada.

On the other hand, we would not consider the following to be soliciting sales for books, newspapers, magazines, periodicals, or similar publications in Canada:

- advertising in non-Canadian broadcast or print media available to Canadian residents, when the advertising is not specifically directed at the Canadian market; and
- including subscription offer notices in your publications or in another non-resident company's publications destined for the Canadian market, when the offers are not specifically directed at the Canadian market.

If you send a renewal notice to a Canadian resident for a subscription that you did not originally solicit, you have not undertaken any activity to identify a market in Canada or to pursue that market. In these circumstances, you are continuing a business relationship that was previously established through the Canadian resident's own initiative. Even if you send a notice quoting a renewal price in Canadian dollars directly to the subscriber, we do not consider this activity to be solicitation. The fact that you are not seeking sales beyond your existing subscribers shows that you have not developed specific plans or advertising activities designed to make additional sales in Canada, and you are not soliciting sales or offering publications in Canada. Therefore, you do not have to register.

If these conditions are not met, we consider you to be soliciting sales in Canada and you have to register for GST/HST.

If you are a GST/HST registrant offering a subscription to Canadian residents, you have to indicate whether the price includes GST/HST or whether it is charged separately. This fulfills the requirement to disclose the tax to the buyer when the offer is the only document provided on the subscription sale.

If you are not soliciting sales or offering supplies of publications in Canada, or you are a small supplier and do not have to register for GST/HST, it may be to your benefit to register voluntarily and collect the GST/HST payable on publications you send by mail or courier to Canadian recipients. If you register, CBSA will not delay the publications for GST/HST assessment and collection, and Canada Post will not charge the $5 postal handling fee. You may even be able to recover the GST/HST you pay on any goods or services you used to supply the publications in Canada by claiming an ITC.

If you are registered, you collect GST/HST only on sales of prescribed publications sold to Canadian residents, and only when those publications are sent to Canada by mail or courier. GST/HST applies to these sales regardless of the value of the publication or subscription bought by the Canadian resident.

Customs processing of publications imported by mail

All goods arriving in Canada by mail are subject to examination by CBSA at selected postal terminals across Canada before they are released to Canada Post for delivery.

Publications sent by mail or courier

If you are registered for GST/HST and give proof of your registration on the documentation accompanying your shipment, CBSA will release the publications to Canada Post for delivery to the addressee.

If you are not registered for GST/HST and you do not have to register for GST/HST, CBSA will also release for delivery publications sent by mail or courier valued at $20 or less.

If you have to register, but fail to do so, CBSA will delay the release of the publications, regardless of their value, to assess the appropriate amount of GST/HST, and then return them to Canada Post for delivery and collection of the GST/HST payable by the addressee, as well as the $5 postal handling fee.

Proof of registration

If you are registered for GST/HST, you have to provide proof of your registration with the publications you export to Canada. Proof of registration includes your Business Number (BN), located in one of the following places:

- in the masthead of the publication, or on one of the first five pages of the publication if the masthead is not in the first five pages of the publication;
- on the back cover of the publication if the address of the subscriber appears on that cover;
- on the mailing label affixed to the publication; or
- on the packaging of the publication or on a separate document that accompanies the publication.

If you have applied for GST/HST registration, but have not received your BN, you have to give CBSA proof of your registration documentation.

If we cannot find proof of your BN, CBSA will assess GST/HST and return the publications to Canada Post for delivery and collection.

Bulk shipments of direct mail publications

Bulk shipments include publications that

- are individually addressed to a recipient at an address in Canada;
- arrive by any mode of transportation; and
- are destined for the mail stream in Canada.

If you provide proof of your GST/HST registration, CBSA will not delay the release of these publications for GST/HST assessment and collection.

CBSA will document the shipment on Form B3-3 and release it for delivery to Canada Post. Importers should indicate code 48 in field 35 of Form B3-3. If there is no proof of your GST/HST registration, CBSA will collect the tax from the importer of record at the time of importation.

CBSA will treat bulk shipments that are not individually addressed to recipients in Canada in the same way as those that are individually addressed. However, you have to provide satisfactory proof that:

- you, the shipper, are registered for GST/HST;
- the publications are destined for a labelling and wrapping operation in Canada; and
- an individual subscriber will receive the publication by Canadian mail.

Bulk shipments not individually addressed and not sent by mail or courier

You should not collect GST/HST in advance on bulk shipments of publications that are not individually addressed such as those destined for resale through bookstores, and that are sent to Canada by any mode of transport other than mail or courier. CBSA will collect GST/HST on these shipments whether or not it finds proof of your GST/HST registration. The importer of record, or agent, has to account for the publications on customs accounting documents and pay the appropriate amount of tax.

Casual imports

Shipments of books to Canada by mail need a completed customs declaration attached to the package. You can get this form from your post office. If you are registered for GST/HST, you should clearly show your Business Number on the outside of the package to facilitate customs processing. If you are not registered, CBSA will collect GST/HST on the total value of the shipment.

Samples

If you are not registered for GST/HST and send samples of publications to people in Canada, these samples are taxable at 7% or 15% before July 2006, or 6% or 14%, if they are imported or released on or after July 1, 2006, unless the shipment is valued at $20 or less and you do not have to register. CBSA collects GST/HST on the price for which the gift or sample publications would usually be sold to consumers on the retail market.

If you are registered for GST/HST and provide proof of your registration, as described on this page, CBSA will not collect GST/HST. In addition, you do not collect GST/HST on sample publications if they are provided free of charge.

Goods and services exported from Canada

Exports of most goods and services from Canada are zero-rated. Therefore, as long as certain conditions are met, you will not pay any GST/HST on goods or services exported to you from Canada.

Proof of residency and GST/HST registration status

To export goods or services to you on a zero-rated basis, a Canadian supplier may ask to verify your non-resident status and, in some cases, your status as an unregistered person for GST/HST purposes.

We will accept written certification as proof that you are not a resident of Canada and that you are not registered for GST/HST. Please date this certification and keep it up to date. It must be signed and in effect on the date the purchase is made. You do not have to give the Canadian supplier this written certification with each purchase, but the Canadian supplier has to keep it on file.

Appendices A and B to GST/HST Memorandum 4.5.1, *Exports – Determining Residence Status*, contain examples of satisfactory proof of non-residence in Canada and non-registration for GST/HST purposes.

Goods

Goods exported from Canada by a Canadian vendor are generally zero-rated. If the goods are delivered or made available to you outside Canada, no GST/HST is charged.

If you, the recipient, take possession of goods in Canada that you intend to export—except for excisable goods such as tobacco, beer, wine, and spirits—these goods may be zero-rated if all of the following conditions are met:

- you are not a consumer;
- you export the goods as soon as can reasonably be expected and, if applicable, according to your usual business practices;
- you do not acquire the goods for consumption, use, or supply in Canada before the goods are exported;
- the goods are not further processed, transformed, or altered in Canada before being exported, except to the extent necessary or incidental to their transportation; and
- the vendor has satisfactory proof that you exported the goods.

A consumer is an individual who acquires or imports goods or services for his or her personal consumption, use, or enjoyment, but not for use or supply in the course of commercial activity or in making exempt supplies.

Certain services performed in relation to exporting goods, prior to their export, do not constitute further processing, transformation, or alteration. These include the following:

- taking inventory;
- warehousing;
- export labelling;
- loading and unloading;
- consolidation;
- refrigeration;
- export packing or repacking;
- export crating; and
- dismantling for transportation purposes.

Testing goods is not considered further processing if the goods are not transformed or altered in any way as a result of the testing. However, any repairs that have to be done because of test results are considered further processing.

From your proof of export, we have to be able to trace the entire shipment of goods from its origin in Canada to its destination outside Canada. If the specific destination cannot be determined, for example, because of industry practices, we have to be able to verify that the goods left Canada. We have provided detailed information on what constitutes proof of exportation in Appendix A to GST/HST Memorandum 4.5.2, *Exports – Tangible Personal Property*.

The following goods are zero-rated:

- excisable goods such as tobacco, beer, wine and spirits, if you, the buyer, export these goods in bond;
- goods bought from and sold to duty-free shops licensed under the *Customs Act*;
- goods a supplier delivers to a common carrier for export, or mails for export;
- goods supplied with services that are being performed on temporarily imported tangible personal property;
- goods supplied in conjunction with emergency repair services in respect of a conveyance or cargo container that is being used in the course of a business of transporting passengers or property;
- goods supplied in conjunction with services being performed under warranty for a non-resident;
- jigs, moulds, and dies, or an interest in them, when provided to an unregistered non-resident for use directly in producing goods for the non-resident, whether or not the goods are exported;
- a supply of natural gas, crude oil, electricity or any tangible personal property that is transportable by means of a pipeline, power-line, or other conduit for purposes of export. The unregistered recipient of the supply cannot acquire the gas for consumption, use, or supply in Canada; special rules apply to supplies of natural gas which allow for a limited amount of processing of the gas. Documentary proof that the gas was exported is required, but differs depending on whether or not the recipient is registered for GST/HST;
- a supply of natural gas, crude oil, electricity or any tangible personal property that is transportable by means of a pipeline, power-line, or other conduit to a non-registrant located in Canada, that is subsequently exchanged by the non-registrant with a registrant for a similar commodity located outside Canada. Documentary proof must be maintained by the supplier of the subsequent exchange of the commodity;
- a supply of storing natural gas for an unregistered non-resident where the non-resident exports the gas at the end of the storage period. The non-resident must hold a valid licence for the export of the natural gas;

- a supply of taking up surplus electricity for an unregistered non-resident where the supplier or the non-resident exports the electricity at the end of the storage period. The non-resident must hold a valid licence for the export of the electricity; and
- floating or mobile homes for export.

Services

We generally zero-rate services that are performed in whole or in part in Canada for a non-resident. However, exceptions apply to this general provision for zero-rating services.

Individuals

If you are the recipient of a service and you are an individual, you have to be outside Canada throughout the time the service is being performed for the service to be zero-rated. Personal care, entertainment, restaurant, and lodging services, as well as repair services on a vehicle, rendered while you are in Canada, are not zero-rated.

To determine if you are outside Canada while a service is being performed, we look at the following:

- you may be in Canada, but the purpose of your stay may be totally unrelated to the zero-rated service being performed; and
- you may be in Canada, and you may retain the services of a registered person who does not charge you for the services provided. This provision does not apply to any subsequent contract between you and the registrant while you are in Canada, or to any chargeable fees you pay while you are in Canada for reasons related to the performance of the service.

Example
You enter into a contract for legal services in Ontario and later come to Canada for a vacation. You do not discuss the case with the lawyer or otherwise contact the lawyer while in Canada. The legal services may be zero-rated. However, if you come to Ontario for discovery or to testify, the legal services are subject to GST.

Note
A service rendered to an individual in connection with criminal, civil, or administrative litigation in Canada is excluded from zero-rating. However, a service rendered before the start of such litigation may be zero-rated.

Exclusions from the general provision for zero-rating services

The following services are excluded from the general provision for zero-rated status:

- a service supplied to non-resident person if the service is rendered to an individual while that individual is in Canada;
- an advisory, consulting, or professional service;
- a postal service;
- a service performed in respect of real property located in Canada;
- a service performed in respect of goods that are located in Canada when the service is performed;
- a transportation service; and
- a telecommunication service.

Other services that are specifically zero-rated

The following are services that are specifically zero-rated when supplied to non-residents:

- many financial services made by financial institutions to non-residents are zero-rated, although there are certain exceptions (for example, debt securities relating to loans for use in Canada);
- service, other than transportation services, for goods brought into Canada only to perform the service on the goods. To qualify, the goods have to be exported as soon as can reasonably be expected. In addition, any goods supplied in the course of providing the service are also zero-rated. For example, a repair service (including any parts) is zero-rated if you temporarily import goods into Canada to be repaired and the goods are exported as soon as practicable after the repair is completed;
- air navigation services;
- services performed on temporarily imported tangible personal property;
- services of acting as an agent for a non-resident person, or services of arranging for, procuring, or soliciting orders for supplies by or to the person, for a zero-rated export or the supply of goods or services considered to be made outside Canada;
- emergency repair services in respect of a conveyance or cargo container;
- advertising services provided to an unregistered person;
- advisory, consulting, or research services provided to a person to help the person take up residence or establish a business venture in Canada;
- services and parts provided to an unregistered person for goods in Canada that are under a warranty provided by the person. The warranty has to be issued by that person, including a dealer or manufacturer, and has to be in writing. For example, when a Canadian subsidiary charges its non-resident parent company for repairing automobiles under the parent company's warranty, the charge for that service is zero-rated;
- a custodial or nominee service provided to a non-resident person for the person's securities or precious metals;
- a service provided to an unregistered non-resident, other than an individual, of instructing non-resident individuals in, or giving examinations for, courses leading to certificates, diplomas, licences, or similar documents, or giving classes or licence ratings that attest to the competence in a trade or vocation;

- a service provided to an unregistered non-resident of destroying or discarding goods, dismantling goods for export purposes, or testing or inspecting goods imported or acquired in Canada only for this service, and to be destroyed by this service, or destroyed or discarded on completion of this service;
- postal services, when the supply is made by a registrant who carries on the business of supplying postal services to a non-resident person who is not a registrant and who carries on such a business; and
- telecommunication services when the supply is made by a registrant who carries on the business of supplying telecommunication services to a non-resident person who is not a registrant and who carries on such a business. This does not include a supply of a telecommunication service when the telecommunication is emitted and received in Canada.

Intellectual property

An invention, patent, trade secret, trademark, trade name, copyright, industrial design, or other intellectual property, or any right, licence, or privilege to use any such property, provided to a non-resident who is not registered for GST/HST is zero-rated.

Foreign carriers

The residency rules for companies engaged in international shipping follow the residency rules of the Canadian *Income Tax Act*. Under these rules, a company incorporated in a country other than Canada, where all or most of its activities consist of international shipping and all or most of its revenues come from shipping, will be considered not to be a resident of Canada for GST/HST purposes.

Supplies bought by unregistered foreign carriers

A non-resident carrier who is not registered for GST/HST can acquire goods or services in Canada, except real property, on a zero-rated basis as long as the goods or services are for consumption, use, or supply in the course of

- transporting passengers or goods, if the person is in the business of transporting passengers or goods to or from Canada, or between places outside Canada, by ship, aircraft, or railway;
- operating a ship or aircraft by or for a government of a country other than Canada; or
- operating a ship to gather scientific data outside Canada, or to lay or repair oceanic telegraph cables.

Zero-rated items under this provision include the following:

- fuel and other supplies;
- railway junction and switching charges, pilotage services, aircraft landing fees, railway right-of-way charges, and warehouse fees;
- stevedoring services;
- spare parts, repair, and maintenance services; and
- air navigation services.

Note
Fuel delivered to registrant airline, rail, and shipping companies to use in international air, rail, and marine transportation of passengers and freight is zero-rated. Also, air navigation services delivered to registrant airlines to use in the international air transportation of passengers and freight are zero-rated.

Emergency repair services

Emergency repair services, including repair parts, are zero-rated when they are provided to a non-resident person and they relate to cargo containers or conveyances while these items are being used or transported by the supplier in a business of transporting passengers and goods.

Example
A Canadian carrier such as a railway may be responsible for repairing damaged cargo containers or conveyances that belong to other carriers while the containers or conveyances are in the Canadian carrier's possession. The Canadian carrier often invoices the owner of the container or conveyance for the repair services provided. These repair services, including parts, are zero-rated when they are billed to a non-resident carrier.

Emergency repair services, including repair parts, are zero-rated when they are provided to an unregistered non-resident and they are for railway rolling stock that is being used in a business to transport passengers or property.

Emergency repair services, including repair parts, or a service of storing certain empty cargo containers, are zero-rated when provided to an unregistered non-resident.

Drop-shipments

The drop-shipment rules streamline the GST/HST treatment of drop-shipments for non-residents by generally relieving unregistered non-resident suppliers of the obligation to pay tax. An unregistered non-resident may take advantage of these rules where a GST/HST registrant sells goods to the unregistered non-resident or performs commercial services—manufacturing, processing, inspecting, testing, repair, storage, or maintenance—on goods owned by the unregistered non-resident and then delivers them to a third party. The third party may be a customer of the non-resident or another resident who is taking possession of the goods for the purpose of performing additional work on them.

Drop-shipments to registered persons

When a GST/HST registrant transfers physical possession of your goods to a third party (consignee) who is registered for GST/HST, the consignee must issue a drop-shipment certificate to the registrant in order for tax not to apply to the supply of goods or commercial services from the GST/HST registrant to you.

Drop-shipment certificates ensure that consignees are aware of their potential GST/HST liability when another registrant transfers physical possession of your goods to them. By issuing the certificate, the consignees acknowledge that they are required to assess GST/HST payable if they do not acquire the goods for consumption, use, or supply exclusively in the course of commercial activities, or if an unregistered person ultimately uses the goods in Canada.

We accept blanket drop-shipment certificates. These certificates cover more than one transfer of physical possession of goods from one registrant to another (the consignee). A valid drop-shipment certificate has to do the following:

- state the consignee's name and Business Number (BN);
- acknowledge that the consignee has taken or will take physical possession of the goods;
- state that the goods are acquired for the purpose of performing commercial services on them or that they are for the recipient's consumption, use, or supply; and
- acknowledge that the consignee assumes liability to pay or remit any GST/HST that may become payable.

Note
A registrant may become liable to account for tax on an unregistered non-resident's goods upon taking physical possession of those goods. The liability does not arise from the act of issuing a drop-shipment certificate. It can only be avoided by not taking physical possession of the goods.

Unregistered non-resident contractor buys radios from a GST/HST registrant

1. You buy radios from a registered supplier. You instruct the supplier to have the radios delivered to a registered inspector.
2. The inspector provides the supplier with a drop-shipment certificate.
3. The supplier invoices you for the radios, but does not charge GST/HST.
4. You instruct the inspector to deliver the radios to a registered customer.
5. The customer provides the inspector with a drop-shipment certificate.
6. The inspector invoices you for the inspection service, but does not charge GST/HST.
7. You invoice the customer, and as an unregistered non-resident, you do not charge GST/HST.

In the above example, the registered supplier transfers physical possession of the radios to the registered inspector on your behalf. After inspecting the radios, the inspector delivers them to the customer. The radio supplier and the inspector invoice you for their goods and services. You invoice the customer for the radios. No GST/HST is charged on the sale of the radios to you, the inspector's services, and the resale of the radios to the registered customer, as long as the registered inspector provides the registered supplier with a drop-shipment certificate and the registered customer provides the drop-shipment certificate to the registered inspector.

Drop-shipments to unregistered persons

If you instruct a GST/HST registrant to deliver goods in Canada to an unregistered consignee such as a consumer, GST/HST is payable when the registrant delivers or transfers the goods to the recipient. GST/HST is as follows:

- based on the fair market value of the goods, if the registrant transfers physical possession of the goods in Canada to you or to a third person; or
- nil, if you provide the goods to a customer free of charge and the registrant transfers physical possession of the goods to the customer in Canada on your behalf.

These rules also apply if a registered consignee does not issue a drop-shipment certificate to the GST/HST registrant.

Transfer of goods to a carrier or warehouse

If a GST/HST registrant transfers your goods to a carrier or warehouse (bailee) and at the same time instructs the bailee to transfer the goods to a third party, for purposes of the drop-shipment rules, the registrant must obtain a drop-shipment certificate from the third party in order for tax not to apply to the supply of goods/commercial services from the GST/HST registrant to you.

If a GST/HST registrant transfers your goods to a warehouse and the warehouse operator is instructed under the agreement for the storage of the goods to store the goods until a third party purchaser is found, the registrant is not required to charge tax on the sale of the goods to you. However, the registrant remains potentially liable for tax on the fair market value of the goods unless, at the time of the transfer of the goods to the third party, the registrant obtains a drop-shipment certificate from the third party.

If a GST/HST registrant transfers your goods to a warehouse and instructs the warehouse operator to release the goods to you, the registrant is regarded as transferring physical possession to you in Canada and the transaction is subject to GST/HST. If you plan to sell the goods to a registrant, and the goods will not leave Canada, in order not to pay tax to the first registrant, you can instruct the warehouse to issue a drop-shipment certificate to the registrant. On issuance of the certificate, the warehouse operator becomes potentially liable for tax on the fair market value of the goods unless, at the time of the transfer of physical possession of the goods to a third party, the warehouse operator obtains a drop-shipment certificate from the third party.

If a warehouse operator acts as the importer of record for goods you transfer to the warehouse and claims an input tax credit for the import of the goods, we consider the warehouse operator to have taken physical possession of the goods. The warehouse operator has to pay GST/HST to us if and when physical possession of the goods is transferred to another person on your behalf, unless the warehouse operator obtains a drop-shipment certificate from the person to whom he or she transfers physical possession of the goods.

Goods kept by registered suppliers

When a GST/HST registrant sells goods to you and transfers ownership, but not physical possession of the goods to you, the registrant does not charge GST/HST on the sale if the registrant keeps physical possession of the goods in order to do the following:

- transfer physical possession of the goods to you, a subsequent owner, or another person designated by you or a subsequent owner; or
- perform a commercial service on the goods for you or a subsequent owner.

The registrant assumes potential liability for the goods when physical possession of the goods is transferred to another person. The registrant is relieved of this liability when the registrant receives a drop-shipment certificate from the third party at the time physical possession is transferred.

Goods subsequently exported

A GST/HST registrant does not charge GST/HST on the sale of goods and the supply of commercial services to an unregistered non-resident, if the registrant does the following:

- transfers physical possession of the goods at a place in Canada to a person who will export the goods within a reasonable amount of time and the conditions for zero-rated exports are met. See "Goods and services exported from Canada" on page 17;
- transfers physical possession of the goods to a carrier for export and delivery to a person outside Canada; or
- transfers physical possession of the goods to a person at a place outside Canada.

Events and supplies that do not qualify for the drop-shipment rules

The drop-shipment rules do not apply to common carriers that take possession of goods for the sole purpose of shipping the goods. In all cases, fees for shipping goods are subject to GST/HST. We consider the transfer of the goods to the carrier for transportation and delivery to another person to be a transfer of physical possession of the goods to the person to whom the goods are to be delivered—that person can elect to follow the drop-shipment rules.

GST/HST rebates

Non-resident businesses that make regular purchases for commercial export can receive a rebate of the GST/HST they pay on goods they buy in Canada. They can apply for the rebate using Form GST189, *General Application for Rebate of GST/HST,* and Form GST288, *Supplement to Form GST189 and Form GST498*. These forms, and instructions on how to complete them, are included in our guide RC4033, *General Application for GST/HST Rebates*, available from our Web site at **www.cra.gc.ca/forms** or any tax services office.

Under the **Visitor Rebate Program**, individual visitors to Canada can receive a refund of the GST/HST they pay on eligible short-term accommodation (less than one month).

In addition, they may receive a GST/HST refund for eligible goods they purchase and export, or take home within 60 days of receipt. Individual visitors to Canada can apply for their refunds using Form GST176, *Application for Visitor Tax Refund.* You can get more information and the application in our pamphlet RC4031, *Tax Refund for Visitors to Canada*.

Rebates for GST/HST paid on short-term accommodation are available to non-resident tour operators who are not registered for GST/HST. You can get more information and Form GST177, *Refund Application for Non-Resident Travel Organizers*, in our booklet RC4160, *Tax Refund for Non-Resident Travel Organizers and Foreign Conventions*.

Rebates for GST/HST paid on short-term accommodation, meeting-related goods and services, 50% of the tax paid in respect of food and beverages, and catering services related to the convention are available to non-resident corporations and organizations hosting or organizing meetings, conventions, and other events in Canada. These non-residents can apply for their rebates using Form GST386, *Refund Application for Foreign Conventions*. More information is available in our booklet RC4160, *Tax Refund for Non-Resident Travel Organizers and Foreign Conventions*.

Rebates for GST/HST paid on accommodation purchased for individuals travelling to Canada on business are available to non-resident businesses that are not registered for GST/HST. You can get more information and Form GST510, *Application for Business Travel Tax Refund*, in our pamphlet RC4117, *Tax Refund for Business Travel to Canada*.

These publications and applications are available at our Web site at **www.cra.gc.ca/forms**, tax services offices, customs offices, Canadian embassies and consulates, participating Canadian duty-free shops, most tourist information centres, and some hotels and retail stores in Canada.

The following goods and services are not eligible for a GST/HST rebate:

- wine, liquor, beer, and other alcoholic beverages;
- tobacco products;
- automotive fuels;
- air and train transportation, bus tickets, and car rentals;
- services such as dry cleaning, shoe repair, auto repairs, and entertainment; and
- goods consumed or left in Canada.

Note
A non-resident person who has a permanent establishment in Canada is considered resident in Canada for the person's activities carried on through that establishment. The goods for which you are claiming a tax rebate cannot have been bought in the course of the Canadian establishment's commercial activities.

Production of artistic works for export

You can apply for a rebate of the GST/HST you paid on goods, intangible property such as a patent or copyright, and services you bought in Canada to use or consume only in producing artistic works for export, if you are not a GST/HST registrant and you are not a consumer. Visit our Web site at **www.cra.gc.ca/forms** or contact your tax services office to ask for a copy of Form GST189. This form is also available in our guide RC4033, *General Application for GST/HST Rebates.*

Assignment of rights to the rebate

You can assign your rights to a GST/HST rebate to your Canadian supplier of the goods, intangible property, or services under the following conditions:

- you are not a registrant;
- you get the goods or services—other than a service of storing or shipping property—to consume or use only for making or producing an original literary, musical, artistic, motion picture, or other work with copyright protection;
- you are not a consumer of the goods or services; and
- you manufacture or produce the work and all copies of it for export.

By assigning your rights to the rebate, you can, in effect, buy the goods, intangible property, or services free of GST/HST. You will find an example of an assignment of rights agreement in the appendix on page 26. You can use it, or design your own agreement.

Installation services

If you are not a GST/HST registrant, you may be eligible for a rebate of the tax paid on the charge made for installing tangible personal property in Canada. Visit our Web site at **www.cra.gc.ca/forms** or contact your tax services office to get a copy of Form GST189.

Questions and answers

Q. A non-resident company that does not have an office in Canada sells goods (other than prescribed goods) to Canadian consumers through a mail-order catalogue. Will the non-resident mail-order company have to register for GST/HST and pay GST/HST on services and postage?

A. No, the non-resident mail-order company will not have to register if it can establish that it is not carrying on business in Canada. However, it does have to pay GST/HST on goods and services it buys from Canadian suppliers.

Also, if the company solicits orders for prescribed publications, regardless of value, to be sent to Canada by mail or courier, it must register for GST/HST.

If, in the ordinary course of carrying on business outside Canada, this company regularly solicits orders for the supply of goods for delivery in Canada, it can register voluntarily. By doing so, it will be able to claim ITCs for the GST/HST it pays on goods and services bought from Canadian suppliers for use in its commercial activities.

Q. A customs broker pays carrier freight charges for an importer and then invoices the importer. Will the importer pay GST/HST on the freight charges or the customs broker's fee?

A. If a customs broker is paying the freight charges, the freight transportation service is presumably an international shipment and is zero-rated. The broker's fee to the importer for having made the disbursement is subject to GST or HST.

Q. A non-resident company supplies its Canadian subsidiary located in Ontario with taxable goods for sale within the Canadian market. Both entities are registered for GST/HST. The goods are delivered outside Canada. Does the Canadian subsidiary pay GST when the goods are imported into Canada?

A. Yes. The subsidiary pays GST when the goods are imported. The subsidiary, as the importer, can claim an ITC for GST paid when the goods are imported, if the goods are for use in the importer's commercial activities.

Q. An unregistered non-resident manufacturer sells goods to a buyer in Canada. The goods are shipped from the United States directly to the buyer and the manufacturer's Canadian subsidiary invoices the buyer. The goods are supplied outside Canada. How does GST/HST apply? Does the Canadian subsidiary charge GST/HST on the invoice to the buyer?

A. When goods are imported into Canada, the importer is responsible for getting the goods released from customs and paying GST or the federal part of HST.

The Canadian subsidiary does not charge GST/HST on the domestic billing for the imported goods. The agreement or the invoice has to clearly state that the goods were delivered to the Canadian buyer outside Canada.

Q. A non-resident cabinet manufacturer who is not a GST/HST registrant imports cabinets into Canada and is the importer of record. How does GST/HST apply?

A. As the importer of record, the non-resident manufacturer pays GST or the federal part of HST when the cabinets are imported into Canada. A non-resident who is not a GST/HST registrant cannot claim an ITC for GST or the federal part of HST paid at the border.

However, special flow-through provisions are available so that the non-resident can pass on the ITC to the buyer of the cabinets if the buyer is a GST/HST registrant. The non-resident has to give the buyer satisfactory proof that GST or the federal part of HST was paid. This proof includes Form B3-3, *Canada Customs Coding Form*, the transaction invoice between the parties, and, if necessary, a signed letter from the non-resident to the buyer showing that GST or the federal part of HST was paid on the cabinets.

The non-resident cabinet manufacturer can apply for GST/HST registration if, in the ordinary course of carrying on business outside Canada, the manufacturer regularly solicits orders for the supply of cabinets from abroad for export to, or delivery in Canada or is otherwise engaged in a commercial activity in Canada. Once registered, the non-resident cabinet manufacturer has to collect GST/HST on taxable goods delivered to customers in Canada. GST/HST would generally apply on the sale price of the goods. The registered non-resident can claim an ITC for the GST or the federal part of HST paid when the goods are imported.

Q. A Canadian subsidiary of a multinational company buys its goods from various sources: the parent company, which is not resident in Canada, related foreign subsidiaries, and Canadian companies. Canadian companies collect GST/HST on the subsidiary's purchases of taxable goods. Would related foreign companies also have to collect GST/HST? Does the source of the subsidiary's suppliers affect the GST/HST the subsidiary pays and the ITCs it can claim?

A. We consider the sale of goods by a registrant to be a supply made in Canada if the goods are delivered to the recipient in Canada, and GST/HST is collected on the price of the goods. The subsidiary in Canada has to pay GST/HST on the goods bought in Canada from a registrant or imported by it into Canada.

Whether the subsidiary buys the goods from Canadian registrants or from foreign non-registrants, it will pay GST or the federal part of HST when it imports the goods into Canada. However, the subsidiary, as a GST/HST registrant can claim an ITC for the GST or the federal part of HST it paid if it uses the imported goods in its commercial activity.

If a foreign company is the importer for customs purposes, the foreign company pays GST or the federal part of HST when the goods are imported. An unregistered foreign company cannot claim an ITC for the GST or the federal part of HST it paid. However, the subsidiary in Canada can claim an ITC under the flow-through of ITC provisions if it received the goods for use in its commercial activity and it is a GST/HST registrant. It can claim the ITC only if it has satisfactory proof that the foreign company paid GST or the federal part of HST.

Q. Will non-resident vendors have to pay GST/HST on goods such as stamps imported into Canada temporarily to sell or trade at shows? If so, can they recover GST/HST on the goods they later export?

A. Stamps or other goods non-residents import temporarily for sale at a show or exhibition are subject to GST or the federal part of HST when they are imported.

Importers who are GST/HST registrants can recover the GST or the federal part of HST they paid by claiming an ITC on the return for the reporting period when the GST or the federal part of HST was paid. Importers who are not GST/HST registrants cannot claim an ITC or otherwise recover the tax paid on importation of goods that are not sold at the trade show or exhibition. If the goods imported were acquired by the person on consignment, approval, or a sale-or-return basis, and are exported within 60 days after their release for the purpose of returning them to the supplier, the importer can apply for a GST/HST rebate.

The duty and tax treatment of temporary imports varies considerably depending on the nature of the goods, the circumstances under which they are imported, and whether they are imported by a resident or a non-resident. If you plan to import goods into Canada temporarily, contact CBSA for detailed information.

Q. An unregistered non-resident company provides technical and consulting services to a registered company for the construction of a generator in Canada. Does the non-resident company have to charge GST/HST on its technical and consulting services?

A. The non-resident company does not charge GST/HST on these services if it does not carry on a business in Canada. In general, we consider sales of goods and services by an unregistered non-resident to be made outside Canada, unless the non-resident makes such sales in the course of a business carried on in Canada.

Q. An unregistered non-resident invoices a customer for goods sold in Canada and a registrant in Canada delivers the goods to the customer for the non-resident. How does GST/HST apply?

A. This transaction qualifies as a drop-shipment. When a registrant drop-ships goods to a registered person in Canada on behalf of an unregistered non-resident, such transactions are not subject to GST/HST provided that the registrant who ships the goods obtains a drop-shipment certificate from the consignee. The unregistered non-resident does not charge the registered customer GST/HST. The registrant who delivers the goods does not charge the non-resident GST/HST.

If the customer is a consumer who is not registered for GST/HST, the transaction is taxable. The registrant who delivers the goods to the consumer has to account for GST/HST based on the fair market value of the goods.

Q. A registered non-resident corporation sells goods to a closely related Canadian affiliate. Does the non-resident corporation charge GST/HST on such sales?

A. Yes. In this case, one of the corporations is a non-resident; therefore, the two corporations do not qualify as being closely related. If the goods are delivered or made available in Canada, the registered non-resident corporation has to charge GST/HST on sales made to its Canadian affiliate. However, because the Canadian corporation is a registrant, it can claim ITCs to recover the GST/HST paid to its non-resident supplier.

Q. A non-resident buys legal services to establish a business venture in Canada. These services are zero-rated. If the non-resident later needs more legal services to establish a second business venture in Canada, is the second supply of legal services subject to GST/HST?

A. Supplies of advisory, consulting, or research services to a non-resident that are intended to help a non-resident take up residence or establish a business venture in Canada are zero-rated. However, we consider a non-resident person with a permanent establishment in Canada to be resident in Canada for the activities carried on through that establishment. Where the establishment of the second business venture is considered to be an activity of the permanent establishment in Canada of the non-resident, the acquisition of the second supply of legal services will not qualify as a zero-rated supply.

Q. A non-resident corporation carrying on business in Canada made sales of $520,000 in the last four consecutive calendar quarters, of which $20,000 represents Canadian sales made through an agent. Which figure should the non-resident corporation use to calculate its worldwide taxable sales for GST/HST registration purposes, $20,000 or $520,000?

A. We use a non-resident corporation's total worldwide revenues from the provision of taxable goods and services to determine whether or not it is a small supplier. Therefore, the non-resident corporation should use the $520,000 figure and would have to register because its total revenues are above the $30,000 small supplier threshold.

Q. A registered non-resident company ships non-commercial goods to customers in Newfoundland and Labrador. The goods are subject to HST. The carrier invoices the non-resident company for zero-rated freight transportation services. When the non-resident company invoices its customer, it shows the zero-rated freight charge as a separate item on the invoice. On which amount does the non-resident company charge HST—the cost of the goods, or the total invoice including the freight transportation service?

A. The answer depends on whether the goods are delivered or made available in Canada, or outside Canada.

If the goods are delivered or made available to the Canadian customer in Canada, e.g., the terms of delivery under the contract are F.O.B. a Canadian destination, then the registered non-resident company has to charge HST at the standard rate on the total amount invoiced to the customer—the cost of the goods, as well as the freight transportation service, whether or not a separate amount is indicated for that service.

If the goods are delivered or made available to the Canadian customer outside Canada—the terms of delivery are F.O.B. shipping point—and the registered non-resident has arranged for transportation on behalf of the customer, i.e., the customer is legally obligated to pay the freight transportation company, the registered non-resident does not have to charge HST on the amount invoiced for the freight transportation service.

Appendix

Example of an assignment of rights agreement to the GST/HST rebate

The following is an example of an assignment of rights agreement that would appear on the non-resident person's official letterhead:

To the Receiver General:

You are notified that (complete legal name and address of the assignor, "the assignor") assigns to (complete legal name and address of the assignee, "the assignee") all monies due or becoming due by the Crown as represented by the Minister of National Revenue as a rebate of tax paid under subsection 252(1) of the *Excise Tax Act*, for property and services bought from the assignee by the assignor in producing goods for export.

The assignor understands that all rebates in connection with this assignment of rights can be claimed only by the assignee.

This assignment will continue in effect for (specify period of not more than one year) from the date indicated below unless you are notified earlier, in writing, by the assignor or the assignee that this assignment is revoked. This arrangement is granted on the understanding that the assignee will comply with all the requirements of the applicable provisions of the *Excise Tax Act*.

__________ ____

Date Signature of authorized officer of the assignor

Name:

Title:

The assignee accepts all rights and liabilities that come with this assignment.

__________ ____

Date Signature of authorized officer of the assignee

Name:

Title:

Non-taxable imports

Certain imports into Canada are not subject to GST/HST. They include the following:

1. Goods classified under the following headings of Schedule I to the *Customs Tariff*, if the goods are not subject to duty under that Act, but not including goods classified under tariff item No. 9804.30.00. GST/HST does not apply to these goods when they are imported into Canada, if there are no customs duties on them under the *Customs Tariff*.

   98.01: Foreign-based conveyances used in the international transporting of passengers or goods to and from Canada such as internationally registered aircraft, ships, and trains. This item allows these conveyances to enter Canada without incurring duties or taxes.

   98.02: Conveyances temporarily imported by Canadian residents for their personal use. For example, this item allows residents of Canada who work in the United States to use a car to commute to their jobs.

   98.03: Tourists' conveyances and baggage. This item allows tourists visiting Canada to bring their personal effects, vehicles, and boats into Canada for their personal use without incurring duties or taxes.

   98.04: Personal exemptions for returning residents. There are duty- and tax-free exemption entitlements for Canadian residents who return from a trip outside the country. Refer to the pamphlet RC4044, *I Declare* for more information.

   98.05: Former residents' effects. This item allows a former resident of Canada who has lived abroad for at least one year to import personal and household effects duty- and tax-free. For more information, see the booklet RC4105, *Moving Back to Canada*.

   98.06: Estates and bequests. Personal effects that are left as a bequest by a Canadian resident who died abroad can be imported free of duties and taxes.

   98.07: Settler's effects. People immigrating into Canada can import their personal effects free of duties and taxes.

   98.10 and **98.11:** Military arms, stores, and other goods from certain countries may be imported into Canada free of duties and taxes under specified circumstances.

   98.12: Publications of the UN and NATO, or any of their specialized agencies, can be imported without paying duties and taxes.

   98.12: Books borrowed from free foreign lending libraries can be imported for a specified period of time without paying duty or taxes, if they are returned within 60 days.

   98.15: Donations of clothing and books for charitable purposes can be imported duty- and tax-free.

   98.16: Gifts sent by people living abroad to friends and relatives in Canada can be imported free of duty and taxes if their value is not more than $60. Gifts do not include advertising matter, tobacco products, or alcoholic beverages.

   98.19: Goods for display at a convention or public exhibition. Certain restrictions apply.

   98.29: Seasonal residents. This is a one-time benefit available to non-residents of Canada who build, acquire, or lease, for at least three years, a residence in Canada for seasonal use. A time-share residence or a trailer or mobile home does not qualify. Household and personal effects for use at the seasonal residence, that were owned, possessed, and used abroad by the person before his or her first arrival in Canada to occupy the seasonal residence, are admissible free of duties and taxes. The goods must be declared at Customs on first arrival, and they may not be sold or disposed of within one year of their importation.

9823.60: Display or demonstration goods imported temporarily from a North American Free Trade Agreement (NAFTA) country.

9823.70: Commercial samples imported temporarily from Mexico or the United States can enter free of duty for a specified period of time. Certain restrictions apply.

9823.80: Advertising films imported temporarily from a NAFTA country.

9823.90: International commercial transportation of goods between NAFTA countries.

2. Medals, trophies, and other prizes, not including usual merchantable goods, that are won outside Canada in competition, that are bestowed, received, or accepted outside Canada, or that are donated by persons outside Canada, for heroic deeds, valour, or distinction.

   This allows someone who is awarded or wins a medal, trophy, or other prize, other than marketable goods such as an automobile, outside Canada, to import the prize free of GST/HST.

3. Printed matter to be provided to the general public, without charge, for the promotion of tourism, when the printed matter is:

   - imported by or on the order of a foreign government or an agency or representative of a foreign government; or
   - imported by a board of trade, chamber of commerce, municipal or automobile association, or similar organization to which it was supplied for no consideration, other than shipping and handling charges.

   This allows tourist literature of governments or other described bodies to be imported free of GST/HST when such literature is for distribution without charge.

4. Goods imported by a charity or a public institution in Canada that have been donated to the charity or public institution.

   This allows goods that have been donated outside Canada and then imported by a registered Canadian charity or a public institution to be imported free of GST/HST. We define public institution on page 4.

5. Goods imported by a person when the goods are supplied to the person by a non-resident person for no payment, other than shipping and handling charges, as replacement parts or replacement property under a warranty.

   This item is restricted to warranty replacement parts provided free of charge. If a charge other than shipping or handling costs is made to the recipient or, if during the course of a warranty repair, other modifications or improvements are made to the goods, these changes are subject to GST/HST.

6. Goods the supply of which is included in any of Parts I to IV or VIII of Schedule VI to the *Excise Tax Act*.

   Certain domestic supplies of goods are zero-rated in Schedule VI: for example, prescription drugs (section 2 of Part I), medical devices (Part II), basic groceries (Part III), agricultural and fishing supplies (Part IV), and supplies for international bridges (Part VIII). This section extends the same treatment to such goods when they are imported into Canada.

7. Goods, other than prescribed goods, sent by mail or courier to the recipient of the goods at an address in Canada, whose value, determined under paragraph 215(1)(a) of the *Excise Tax Act*, is not more than $20.

   With this provision, a resident of Canada does not have to pay GST/HST on goods valued at no more than $20 that the resident receives by mail or by courier.

   The prescribed goods excluded from this provision are listed in the *Mail and Courier Imports (GST/HST) Regulations*. These goods include the following:

   - excisable goods;
   - books, newspapers, magazines, periodicals, and any similar printed publications, as well as audio-recordings that accompany these publications, from a foreign supplier who is required to register for GST/HST, but is not so registered;
   - goods whose value for duty is reduced by the application of section 85 of the *Customs Tariff*;
   - goods bought from a retailer in Canada and mailed or transported from outside Canada directly to the buyer; and
   - goods that are bought or ordered through or from a person in Canada acting for a person outside Canada who is selling the goods.

7.1. Books, newspapers, magazines, periodicals and similar publications, as well as audio-recordings that relate to and accompany these publications, which are sent by mail or courier to a recipient at an address in Canada, if the supplier is registered when the goods are imported.

8. Prescribed goods imported in prescribed circumstances and under prescribed terms and conditions. This section provides for the granting of relief by way of regulation.

   Prescribed goods for purposes of section 8 of Schedule VII to the *Excise Tax Act*, which are listed in the *Non-Taxable Imported Goods (GST) Regulations*, are the following:

   (a) precious metals (as defined in the *Excise Tax Act*) imported under any circumstances;

   (b) unwrought silver, gold, or platinum, waste and scrap of precious metal or of metal clad with precious metal, and concentrates of silver, gold, or platinum, when imported to be refined into precious metals;

   (c) goods imported only for public exhibit by a public sector body, if, while the goods are in Canada:

      – title to the goods is not intended to pass and does not pass to a person in Canada; and
      – beneficial use of the goods is not intended to pass and does not pass to a person in Canada that is not a public sector body;

(d) goods imported only for maintenance, overhaul, or repair of those goods in Canada if:

- neither title to nor beneficial use of the goods is intended to pass, or passes, to a person in Canada while the goods are in Canada; and
- the goods are exported as soon after the maintenance, overhaul, or repair is completed as is reasonable having regard to the circumstances surrounding the importation and, where applicable, to the usual business practice of the importer;

(e) crude oil if:

- imported only to be refined in Canada;
- title to the crude oil is not held by a person in Canada at the time of importation;
- title to the crude oil is not intended to pass and does not pass to a person in Canada while the crude oil is in Canada;
- title to all refined products produced from the crude oil is not intended to pass and does not pass to a person in Canada while the refined products are in Canada; and
- the refined product is exported as soon after the refining is completed as is reasonable having regard to the circumstances surrounding the importation and, where applicable, to the usual business practice of the importer;

(f) foreign-based conveyances if:

- the conveyance is non-taxable by reason of the reference to heading No. 98.01 of Schedule I to the *Customs Tariff* in section 1 of Schedule VII to the *Excise Tax Act*, and the conveyance is diverted for maintenance, overhaul, or repair in Canada;
- neither title to nor beneficial use of the conveyance is intended to pass, or passes, to a person in Canada while the conveyance is in Canada; and
- the conveyance is exported as soon after the maintenance, overhaul, or repair is completed as is reasonable having regard to the circumstances surrounding the importation and, if applicable, to the usual business practice of the importer;

(g) a print, an etching, a drawing, a painting, a sculpture or other similar work of art if:

- the work is part of a shipment of imported art on consignment and the total value of the shipment determined according to section 215 of the *Excise Tax Act* is at least $250,000;
- at the time of importation, considering the importer's previous experience, if any, in importing works of art, it is reasonable to expect that at least 75% of the value of the shipment will be exported within one year of importation;
- the work is imported for supply by the importer in the ordinary course of the importer's business; and
- the importer provides a declaration as outlined in section 4 of the *Non-Taxable Imported Goods (GST) Regulations*.

Note
When accounting for the goods under section 32 of the *Customs Act*, an importer of goods referred to in paragraph 8(g) on this page, has to attach to, or endorse on, the accounting document the following declaration:

I expect that at least 75% of the value of the works of art in this shipment will be exported within one year of this date.
____
Signature
____
Date

When an importer imports works of art referred to in paragraph 8(g) on this page, and less than 75% of the value of the shipment is exported within one year of the import, the importer has to notify a Customs officer, in writing, of the actual percentage in value of the works of art in the shipment that was exported;

(h) locomotives, railway rolling stock, and vessels imported in circumstances where customs duties have been remitted or removed under any of the following remission orders:

- *Railway Rolling Stock (International Service) Remission Order No. 3*;
- *code 2338 of Schedule II to the Customs* Tariff;
- *Railway Rolling Stock (International Service) Remission Order No. 4*; *Railway Rolling Stock (Canadian Domestic Use) Remission Order No. 2*; or
- section 5, 6, 7, 15, 16, or 17 of the *Vessel Duties Reduction or Removal Regulations*;

(i) goods described in the following items of the schedule to the *Temporary Importation Regulations* imported in circumstances where the terms and conditions of those regulations are met, namely:

- items 3, 16 to 18, 27, 32, 33, 36, 39 to 44, 49, 52 to 54, and 57; and
- items 38 and 47, when the goods are imported by a non-resident person;

(j) goods imported after having been exported for warranty repair work.

Note
When accounting for the goods under section 32 of the *Customs Act*, an importer of goods referred to in paragraph 8(j) on the previous page has to attach the following to the accounting document:

- a copy of the export report for the goods, except when subsection 32(2) applies; and
- an invoice or written statement from the supplier of the goods showing that, except for shipping charges, communication expenses, and other non-repair expenses, the supplier paid the cost of warranty repair to the goods under the terms of the warranty.

If the above export report is unavailable, because of circumstances beyond the importer's control, the importer has to provide one of the following:

- a customs document showing that the goods were exported according to the *Customs Act*;
- a transportation company document for the export of the goods;
- a customs accounting document for the importation of the goods into the country where the warranty repair work was performed;
- a declaration from the foreign exporter that the goods exported to Canada are the goods that had been imported to that country for warranty repair; or
- other satisfactory proof showing that the goods were exported from Canada;

(k) medals, trophies, plaques, or other similar articles to be presented by the importer at awards ceremonies; and

(l) goods enumerated in code 1910 of Schedule II to the *Customs Tariff* that are imported pursuant to the requirements of that code.

9. Containers that, because of regulations made under Note 11(c) of Chapter 98 of Schedule I to the *Customs Tariff*, may be imported free of customs duties.

   This ensures that if a person exports containers and later imports a similar quantity of like containers, the import is free of customs duties and GST/HST.

10. Money, certificates, or other documents evidencing a right that is a financial instrument.

   This section confirms that such things as stock certificates, bond certificates, promissory notes, and money are not taxable when brought into Canada.

CBSA administers the provisions for importing goods, and is responsible for determining how the goods will be taxed when they are imported.

Tax services offices

Tax Services Offices	United States	Outside the United States
Vancouver Tax Services Office 1166 West Pender Street Vancouver BC V6E 3H8 Telephone: (604) 691-4308	Alaska, Arizona, California, Hawaii, Idaho, Neveda, Oregon, Utah, Washington	Asia, Australia
Calgary Tax Services Office 220-4th Avenue S.E. Calgary AB T2G 0L1 Telephone: (902) 426-5150	Colorado, Montana, New Mexico, Oklahoma, Texas, Wyoming	
Winnipeg Tax Services Office 325 Broadway Street Winnipeg MB R3C 4T4 Telephone: (902) 426-5150	Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, South Dakota	
Windsor Tax Services Office 185 Ouellette Avenue P.O. Box 1655 Windsor ON N9A 7G7 Telephone: (519) 252-4705	Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, Wisconsin	
Halifax Tax Services Office 1557 Hollis St. P.O. Box 638 Halifax NS B3J 2T5 Telephone: (902) 426-5150	Maine	Albania, Austria, Belgium, Bulgaria, Czech Republic, Denmark, Finland, Germany, Greece, Hungary, Ireland, Italy, the Netherlands, Norway, Poland, Portugal, Romania, Russia, Spain, Sweden, United Kingdom
Ottawa Tax Services Office 333 Laurier Avenue West Ottawa ON K1A 0L9 Telephone (613) 598-3942	Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont	Africa, Central America, France, Luxembourg, Middle East and Gulf States, South America, Switzerland, West Indies, all other countries

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