Index SUBJECT.

**Income Tax Interpretation Bulletins and** 

**Technical News** 

December 31, 2005 DATE:

REFERENCE:

### **Application**

This index reflects interpretation bulletins, special releases, and technical news issued on or before December 31, 2005. It cancels and replaces the index of December 31, 2004 (dated April 27, 2005). The index is updated on an annual basis.

### **General Comments**

- ¶ 1. The purpose of interpretation bulletins (ITs) is to provide the Canada Revenue Agency's (CRA) interpretation of the income tax law that it administers and to announce significant changes in the CRA's interpretations and their effective dates. Interpretation bulletins are not law; the law is contained in the Acts themselves and in the Regulations. However, these bulletins can generally be relied upon as reflecting the CRA's interpretation of the law to be applied on a consistent basis by its staff.
- ¶ 2. Due to their technical nature, ITs are used primarily by the CRA staff, tax specialists, and other individuals who have an interest in tax matters. An ongoing effort is made to improve the readability of the bulletins while still maintaining technical precision and accuracy. For example, all new and revised bulletins are written using plain language writing techniques. Each bulletin has a summary that provides a clear overview of the contents of the particular bulletin and an Explanation of Changes that is provided to assist readers in understanding the reasons for the revisions to a bulletin. In addition, the bulletins include, where appropriate, references to relevant case law and other CRA publications as well as examples to illustrate how the law is applied. For those readers who prefer a less technical explanation of the law, the CRA offers other publications, such as tax guides and brochures.
- ¶ 3. Bulletins reflect the CRA's interpretation of the law in force at the time the bulletins are published. Since there are frequent legislative amendments, there is an ongoing effort to ensure that the bulletins are complete, accurate, and up-to-date. However, the timeliness of any revisions that may be required is affected by the frequency and extent of the legislative changes. In cases where a bulletin has not yet been revised to reflect legislative changes, readers should refer to the amended law and its effective date. Readers should also take into account court decisions since the date of publication of a bulletin when considering the relevancy of the comments in the bulletin or special release.

- When an existing bulletin needs updating, the CRA ¶ 4. will either revise the bulletin or issue a consolidated version to revise parts of the bulletin, depending on the nature and extent of the change and its overall effect on the existing bulletin.
- ¶ 5. An interpretation described in a bulletin applies as of the date the bulletin is published, unless otherwise specified. When there is a subsequent change in a previous interpretation or position, and the change is beneficial to taxpayers, it is usually effective for all future assessments and reassessments. However, if the change is not favourable to taxpayers, it is normally effective for the current and subsequent taxation years or for transactions entered into after the date of the bulletin.
- A change in an interpretation or position may also be announced in the Income Tax Technical News. This newsletter is issued ad hoc to provide immediate CRA reaction to specific issues of significant impact.

### Complete Review of an IT

When there has been a complete review of all paragraphs of an IT, the number identifying the IT changes (e.g., IT-426 becomes IT-426R and, upon a subsequent review, it will become IT-426R2). The Explanation of Changes section at the end of the IT indicates the paragraph numbers that have been changed as a result of the review and provides a short explanation of the reasons for the changes.

### Consolidated IT

¶ 8. In some situations, such as when there has been a substantial change in the law or a significant court case, only certain paragraphs of an IT are revised in order to update it as quickly as possible. When such is the case, the word "(Consolidated)" will appear at the end of the IT number (e.g., IT-481 (Consolidated)). The paragraphs that have been revised by the current consolidation are identified at the front of the IT beside the heading *Latest Revisions*. The reasons for all of the changes made since the last complete review of the IT are indicated in the *Bulletin Revisions* section at the end of the IT. The date of the revision appears after the description of each change.



### $\P$ 9. This index consists of the following:

- Part 1 Sectional Index by Primary References
- Part 2 Topical Index
- Part 3 Numerical Listing of Current Interpretation Bulletins
- Part 4 Numerical Listing of Technical News
- Part 5 List of Cancelled Bulletins Since the Last Publication of the Index

**Note**: Throughout this index, bulletins for which the CRA has issued a special release are indicated by an "(SR)" placed to the right of the bulletin number. Also, consolidated versions of bulletins are indicated by a "(C)" placed to the right of the bulletin number. In Part 3, an underlining of the number of a bulletin indicates that a new release, a revision or a consolidated version has been issued since the index was last published. Cancelled and archived publications are not listed in the index.

To better serve our clients, the CRA consults with many affected groups and individuals about the content of selected bulletins. If you have any comments or suggestions to improve a bulletin, a technical news, or this index, we would like to hear from you. Please send your comments to:

Income Tax Rulings Directorate Policy and Planning Branch Canada Revenue Agency Ottawa ON K1A 0L5

All Interpretation Bulletins can be found on the Canada Revenue Agency Web site at: www.cra.gc.ca/menu/EmenuKLA.html

## Part 1 – Sectional Index

## by Primary References

## **Income Tax Act**

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Price adjustment clauses	IT-169		– After 1992	
Separate businesses	IT-206R	6(2), (2.1)	Benefits, including standby	IT-63R5
Miscellaneous receipts	IT-334R2			
Damages, settlements, and similar receipts	IT-365R2		vehicle supplied by an employer - After 1992	r
Non-residents – Income earned in Canada	IT-420R3(SR)	6(3)	Payments by employer to employee	IT-196R2(SR)
Rental of real property by individual	IT-434R(SR)	6(6)	Employment at special work sites or remote work locations	IT-91R4
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Wage loss replacement plans	IT-428	8(1)( <i>p</i> ), ( <i>q</i> )	Performing artists	IT-525R(C)
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Benefits, including standby charge for an automobile, from the personal use of a motor vehicle supplied by an employer – After 1992	IT-63R5	9	inventory  Corporations used by practising members of professions	IT-189R2
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Transportation passes		transfer of farming property	IT-268R3(SR);
<ul> <li>employees' fringe benefits</li> </ul>	IT-470R(C)	transfer of farming property	IT-268R4
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- employee's	IT-522R	<ul><li>withholding tax</li></ul>	IT-465R
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<ul> <li>of patient and accompanying individual</li> </ul>	11 17011(0)	- personal, defined	IT-381R3
- medical expenses	IT-519R2(C)	<ul> <li>residence determination</li> </ul>	IT-447
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IT-75R4	Scholarships, fellowships, bursaries, prizes,	IT-125R4	Dispositions of resource properties
	research grants and financial assistance	IT-126R2	Meaning of "winding-up"
IT-76R2	Exempt portion of pension when employee has been a non-resident	IT-128R	Capital cost allowance – Depreciable property
IT-79R3	Capital cost allowance – Buildings or other	IT-129R	Lawyers' trust accounts and disbursements
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IT-83R3	Non-profit organizations – Taxation of income	IT-131R2	Convention expenses
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IT-91R4	Employment at special work sites or remote work locations	IT 140D0	corporation
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IT-92R2	Income of contractors	IT-145R(C)	Canadian manufacturing and processing profits – Reduced rate of corporate tax
IT-95R IT-96R6	Foreign exchange gains and losses  Options granted by corporations to acquire	IT-146R4	Shares entitling shareholders to choose taxable or capital dividends
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IT-99R5(C)	Legal and accounting fees		of manufacturing and processing machinery and equipment
IT-102R2	Conversion of property, other than real property, from or to inventory	IT-148R3	Recreational properties and club dues
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IT-104R3	Deductibility of fines or penalties	IT-151R4	Scientific research and experimental development expenditures
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IT-106R3	Crown corporation employees abroad		development expenditures
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IT-110R3	Gifts and official donation receipts		

Bulletin	Title	Bulletin	Title
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IT-154R	land Special reserves	IT-213R	Prizes from lottery schemes, pool system betting and giveaway contests
IT-155R3(SR)	Exemption from non-resident tax on interest payable on certain bonds, debentures, notes, hypothecs or similar obligations	IT-218R	Profit, capital gains and losses from the sale of real estate, including farmland and inherited land and conversion of real estate from capital property to inventory and vice versa
IT-158R2	Employees' professional membership dues	IT-220B2(SB)	Capital cost allowance – Proceeds of
IT-159R3	Capital debts established to be bad debts	11 220112(011)	disposition of depreciable property
IT-167R6	Registered pension plans – Employees' contributions	IT-221R3(C)	Determination of an individual's residence status
IT-168R3	Athletes and players employed by football, hockey and similar clubs	IT-226R	Gift to a charity of a residual interest in real property or an equitable interest in a trust
IT-169	Price adjustment clauses	IT-231R2	Partnerships – Partners not dealing at arm's
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IT-177R2(C)	Permanent establishment of a corporation in a	IT-242R	Retired partners
(-)	province	IT-243R4	Dividend refund to private corporations
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IT-202R2	Employees' or workers' compensation	IT-274R	Rental properties – Capital cost of \$50,000 or
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IT-288R2	Gifts of capital properties to a charity and	IT-343R	Meaning of the term corporation
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IT-292	Taxation of elected officers of incorporated municipalities, school boards, municipal	IT-350R	Investigation of site
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IT-309R2	Premiums on life insurance used as collateral	IT-379R	Employees profit-sharing plans – Allocations to beneficiaries
IT-313R2	Eligible capital property – Rules where a taxpayer has ceased carrying on a business or has died	IT-381R3	Trusts – Capital gains and losses and the flow-through of taxable capital gains to beneficiaries
IT-320R3	Qualified investments – Trusts governed by registered retirement savings plans, registered education savings plans and registered	IT-384R(SR)	Reassessment where option exercised in subsequent year
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IT-322R	Farm losses	IT-386R	Eligible capital amounts
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T-404R	Payments to lottery ticket vendors	IT-457R	Election by professionals to exclude work in	
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	Large Corporation Tax – Capital Tax Cases Limitation Laws on Collection Actions Tax Shelters News Release – Rulings Position Commission Income Transferred to Corporation Series of Transactions International Taxation	TN-30	Prepaid Income – Whether Subsection 9(1) or Paragraph 12(1)(a) Applies? Withholding Tax on Interest Computation/Allocation of Partnership Income and Losses Corporate Loss Utilization Transactions
TN-23	List of "Approved" Entities for the Purpose of Scientific Research and Experimental Development Computer Software		Reasonableness of Shareholder/Manager Remuneration Pre-judgment Interest Tax Avoidance
TN-24	Legal Costs to Obtain Support Amounts Cancellation of Interpretation Bulletins Correction to the French Version of IT-519R2 (Consolidated)	TNIOAD	Social Security Taxes and the Foreign Tax Credit Restricted Farm Losses (Section 31)
TN-25	E-Commerce Reasonable Expectation of Profit Health and Welfare Trusts Refreshing Losses	TN-31R	Social Security Taxes and the Foreign Tax Credit Single-Purpose Corporations Application of Paragraph 81(1)(h)
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TN-26	Proposed Guidelines on Split-Receipting		CRA Access to Accountants' or Auditors' Working Papers
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