

FT/GT/TT 1-2000

Tax Refunds

Time Limitation Extended to Four Years

Please note that the following forms, referenced in Ontario Tax Bulletin FT/GT/TT 1-2000, have been replaced as noted:

Previous Form Name (referenced in Bulletin)	Current Form Name(s)
Bad Debt Refunds FT 840 (pg.3)	Application for Refund - BDT Bad Debt, and Debtor's Listing - Fuel Tax
Loss of Product, re: destruction, theft or contamination FT 840 (pg.3)	PRL Summary, and PRL 2
Allowance to Retailer GT 260 (pg.3)	TEU Summary TEU 1
Bad Debt Refunds GT 52 (pg.3)	Application for Refund - BDT Bad Debt, and Debtor's Listing - Gasoline Tax
Loss of Product, re: destruction, theft or contamination GT 52 (pg.3)	PRL Summary, and PRL 1 (gas), or PRL 6 (propane), or PRL 7 (aviation)
Refunds, re: PTO GT 257 / GT 257P (pg.4)	PTO Summary, and PTO 1 (gas), or PTO 3 (propane)
Refunds, re: unlicensed equipment usage GT 257 / GT 257P (pg.4)	TEU Summary, and TEU 6
Refund of tax on Aviation fuel, re: fuelling at Ottawa International Airport on a technical stop GT 257 (pg.4)	TEU Summary, and TEU 20
Refund of tax paid on tobacco products exported from Ontario TT 26 (pg.4)	TES Summary, and TES 9 (tobacco), or TES 10 (cigars)
Bad Debt Refunds TT 21 (pg.4)	Application for Refund - BDT Bad Debt, and Debtor's Listing - Tobacco Tax
Loss of Product, re: destruction, theft or contamination TT 26 (pg.4)	PRL Summary, and PRL 3 (other tobacco), or PRL 4 (marked cigarettes), or PRL 5 (cigar)

ONTARIO TAX BULLETIN

Published by the Ministry of Finance, Motor Fuels and Tobacco Tax Branch

TAX REFUNDS

Time Limitation Extended to Four Years

This bulletin provides an outline of amendments made to the *Fuel Tax Act* (FTA), the *Gasoline Tax Act* (GTA) and the *Tobacco Tax Act* (TTA) and regulations to extend the refund time limitation period to a maximum of four years.

This publication provides a summary only and is not a substitute for the provisions of the Acts or the Regulations. Should there be a discrepancy between this document and the Acts or Regulations, the provisions of the Acts and the Regulations apply.

1. FUEL TAX ACT AND REGULATIONS

FTA - ss.21(6)	Effective: Dec 18/98	c. 30, S.O. 1998 (Bill 74)
FTA - Reg. 466, s.1	Effective: Feb 11/99	O. Reg. 64/99

- Claimants are eligible to apply for a refund of tax paid, provided the refund application was made within the designated four-year time limitation period.
- Effective December 18, 1998, subsection 21(6) of the *Fuel Tax Act* was amended to extend from three to four years the period within which a person may apply to receive a refund of an overpayment of tax. For example, a refund application may be submitted on December 18, 1998 for an overpayment made on or after December 18, 1994.
- Effective February 11, 1999, Section 1 of regulation 466 (FTA) was amended, extending the time limit from three to four years for a person to apply for a bad debt refund [*bankruptcy or non-bankruptcy*] or a tax refund related to product loss or contamination.

Type of Claim	Starting Date of Four Year Limitation Period
Non- bankruptcy bad debt	The last day of the fiscal year debt was written off
Bankruptcy or receivership	Date claim filed with trustee in bankruptcy or receiver
Loss, destruction, theft , or contamination	Date incident took place

Additional requirements for bad debt refunds are addressed in greater detail in [Ontario Tax Bulletin No. FT/GT 2-99](#).

2. GASOLINE TAX ACT AND REGULATIONS

GTA - ss.28(4)	Effective: Dec 18/98	c. 30, S.O. 1998 (Bill 74)
GTA - Reg. 533, s.4	Effective: Feb 11/99	O. Reg. 65/99
GTA - Reg. 534, ss.2(2),3(6),4(1)	Effective: Dec 3/99	O. Reg. 557/99
GTA - Reg. 533, ss.3(3)	Effective: Dec 20/99	O. Reg. 623/99

- Claimants are eligible to apply for a refund of tax paid, provided the refund application was made within the designated four-year time limitation period.
- Effective December 18, 1998, subsection 28(4) of the *Gasoline Tax Act* was amended to extend from three to four years the period within which a person may apply to receive a refund of an overpayment of tax. For example, a refund application may be submitted on December 18, 1998 for an overpayment made on or after December 18, 1994.
- Effective February 11, 1999, Section 4 of Ontario regulation 533 (GTA) was amended extending the time limit from three to four years for a person to apply for a bad debt refund [*bankruptcy or non-bankruptcy*] or a tax refund related to product loss or contamination. For example, a refund application may be submitted on February 11, 1999 for an overpayment made on February 11, 1995. (See chart under *Fuel Tax Act* above for start dates.)

Additional requirements for bad debt refunds are addressed in greater detail in [Ontario Tax Bulletin No. FT/GT 2-99](#).

- Effective December 3, 1999, subsections 2(2), 3(6) and 4(1) of Ontario regulation 534 (GTA) were amended to lengthen the period for submitting refund claims. Refund claims can now be submitted up to four years from the date that the tax was paid on:
 - any product excluded by regulation from the application of the GTA [ss.2(2)]
 - gasoline used for business purposes in unlicensed equipment and auxiliary power-take-off units [ss.3(6)]
 - aviation fuel delivered directly to aircraft making a technical stop at Ottawa International Airport for the sole purpose of refuelling [ss.4(1)].

For example, a refund application may be submitted on December 3, 1999 for an overpayment made on or after December 3, 1995.

- Effective December 20, 1999, subsection 3(3) of regulation 533 (GTA) was amended to lengthen from three to four years the period within which to apply for the "Allowance to Retailers" refund. For example, a refund application may be submitted on December 20, 1999 for an overpayment made on or after December 20, 1995.

3. TOBACCO TAX ACT AND REGULATIONS

TTA - ss.38(2), ss.39(2)	Effective: Dec 18/97	c.43, S.O. 1997 (Bill 164)
TTA - Reg. 1033, s.3	Effective: Feb 1/00	O.Reg. 21/00
TTA - Reg. 1035, ss.1(4)	Effective: Feb 1/00	O.Reg. 20/00

- Claimants are eligible to apply for a refund of tax paid, provided the refund application was made within the designated four-year time limitation period.

- Effective December 18, 1997, subsection 38(2) was amended to extend from three to four years the period within which a person may apply to receive a refund of an overpayment of tax. For example, a refund application may be submitted on December 18, 1997 for an overpayment made on or after December 18, 1993.
- Effective December 18, 1997, subsection 39(2) was amended to extend from three to four years the period within which a person must apply to receive a refund of tax paid on tobacco products exported from Ontario. For example, a refund application may be submitted on December 18, 1997 for an overpayment made on or after December 18, 1993.
- Effective February 1, 2000, Section 3 of regulation 1033 (TTA) was amended extending the time limit from three to four years for a person to apply for a bad debt refund [*bankruptcy or non-bankruptcy*] or a tax refund related to product loss or contamination. (See chart above for start dates.)
- Effective February 1, 2000, subsection 1(4) of regulation 1035 (TTA) was amended extending the time limit from three to four years from the date the tax was paid for submitting refund claims for exported product under the *Tobacco Tax Act*. For example, a refund application may be submitted on February 1, 2000 for an overpayment made on or after February 1, 1996.

TIME LIMITATION PERIOD AND APPLICATION FORMS

FUEL TAX ACT

LEGISLATION REFERENCE	TYPE OF REFUND AND FORM#	TIME LIMIT
FTA ss.21(6)	Refund of overpayment of tax Form: FT850 or deduct from Tax Return #FT812	4 years [Effective Dec. 18, 1998]
REG. 466 s.1	Bad debt refunds/loss of product re: destruction, theft or contamination. Form: FT840	4 years [Effective Feb 11, 1999]

GASOLINE TAX ACT

LEGISLATION REFERENCE	TYPE OF REFUND AND FORM#	TIME LIMIT
GTA s.s.28(4)	Refund of overpayment of tax GT257N, GT257E & GT257P	4 years [Effective Dec.18, 1998]
REG. 533 s.s. 3(3)	Allowance to Retailer Form: GT260	4 years [Effective Dec.20, 1999]
REG. 533 s.s. 4(1)	Bad debt refunds/loss of product re: destruction, theft or contamination. Form: GT52	4 years [Effective Dec. 18, 1998]
REG. 534 s.s. 2(2)	Refund of tax paid on excluded products Form: GT257	4 years [Effective Dec. 03,1999]

REG. 534 s.s. 3(6)	Refunds re: P.T.O. and unlicensed equipment usage. Form: GT257 & GT257P	4 years [Effective Dec. 03, 1999]
REG. 534 s.s. 4(1)	Refund of tax on Aviation fuel re: fuelling at Ottawa International Airport on a technical stop. Form: GT257	4 years [Effective Dec. 03, 1999]

TIME LIMITATION PERIOD AND APPLICATION FORMS

TOBACCO TAX ACT

LEGISLATION REFERENCE	TYPE OF REFUND AND FORM#	TIME LIMIT
TTA ss.38(2)	Refund of overpayment of tax Form: TT26 or deduct from Tax Return #TT101S or #TT101P	4 years [Effective Dec. 18, 1997]
TTA ss.39(2)	Refund of tax paid on tobacco products exported from Ontario. Form: TT26 or deduct from Tax Return #TT101S or #TT101P	4 years [Effective Dec. 18, 1997]
REG 1033 s.3	Bad debt refunds/loss of product re: destruction, theft or contamination. Form: TT21	4 years [Effective Feb 1, 2000]
REG 1035 s.1	Refund of tax paid on tobacco products exported from Ontario. Form: TT26 or deduct from Tax Return #TT101S or #TT101P	4 years [Effective Feb 1, 2000]

The information in this publication is only a guideline.
For more information, please refer to the specific Act (s) or contact the:

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