**Dispute Resolution**

* Return
	+ Every TP must file (150(1))
	+ Minister can demand a return at any time (150(2))
	+ Due date
* Assessment
	+ Limitation period for a reassessment: 3-yrs (152(3.1)(b) or none if there is misrep (152(4)(a))
* Refunds, interests & penalties (civil or crim)
* Waiver of interest & penalty
	+ Max 10-yrs (220(3.1))
* VDP: TP may avoid being penalized/prosecuted if they make a voluntary disclosure before the CRA begins investigating them (IC-00-IR, VDP)
* Objections & appeals
	+ Tax assessment is deemed valid & binding, subject to objection or appeal (152(8))
	+ Deadline: later of 90 days from mailing notice of assessment/1 yr from due date of return: 165(1)
	+ If there are no reasonable grounds for appeal, then there is a 10% frivolity penalty (179.1)
* Settlements for less than the full amount owning are not deductible on the CRA (*Cohen*)
* Investigation
	+ Any authorized person can enter into any premises (231.1), but can’t enter dwelling-house w/out consent or a warrant under 231.1(3) (231.1(2)). And can demand anyone for info/documents (231.2). Can even hold and inquiry/examination on oath (231.4), but TP has a right to presence of counsel (231.4(5), (6))
	+ Warning must be given to the TP by CRA that TP has constitutional rights against self-incrimination when the predominant purpose of the audit shifts and becomes a crim investigation (*Jarvis*).
* Collection
	+ Limitation period: 10-yrs (222(4)); no action after limitation period: 222(3)
	+ Can seize gifts under s.160
	+ Can pierce corp veil and make director personally liable if not withholding: 227.1
	+ Registration of judgment in court under s.223
	+ Can get a 3rd party demand garnishment under s.224
	+ Seizure of personal property under s.225
	+ Can apply for a fairness package to reduce interest & penalty

**Source Concept of Income**

Para 3(a) of the Act contains the legislative expression of the source concept of income.

1. ID whether revenue or loss/expense
2. ID source! If no source, then revenue not taxable and loss/expense not deductible (*Schwartz*)
	1. Recognized sources in 3(a):
* Office/employment: need an ER
* Biz
* Property: passive income
	1. s.56: pension, EI, RRSP, retiring allowances; (under s.56(3) not scholarships)
1. If you have a loss, ID whether ordinary income loss or capital income loss (Quarantine rule applies)
	1. Losses from farms
		1. Sideline farming only allowed to deduct up to $17,000 (s.31)
		2. Hobby farm would be a personal expense and gets no tax relief.
	2. Gambling losses: not deductible
2. Nexus: got benefit of income OR conduit? (*Buckman; Field*)
3. Is there income splitting? If yes, do attribution rules apply or not?
	1. *Boutelier:* income assignment
	2. *Neuman:* dividend payment didn’t meet 4th requirement of indirect receipt
		1. SH under 18 subject to Kiddie tax (120.4)

**Windfalls:**

A payment which is unexpected, unplanned, and not of a recurring nature is more likely to be characterized as a windfall (*Bellingham*)

**Damages or Settlements:**

|  |  |
| --- | --- |
| Plaintiff | Defendant |
| Quantum? | Quantum? |
| Taxable or tax-free? | Tax deductible or not? |
| Deductibility of costs? Not deductible if no source | Deductibility of costs? |

Per *Bellingham,* the concept of unitary sum payments doesn’t apply and payment can be broken down into possible categories based on the surrogatum principle (p.17 CAN)

Surrogatum Principle: must look at the nature and purpose of a particular payment or award when assessing how it will be dealt w/ for tax purposes. Amounts received by TP in place of income from a source may be included in income as if such amounts were income from that source (leading case: *London;* also saw in *Bellingham*).

1. Surrogatum principle doesn’t apply to damages for personal injuries or wrongful death
2. Punitive damage awards fall w/in the tax exempt category of windfall gains (*Bellingham*)
3. Look @ p.7 & 18 CAN for a list of tax-free damages
4. Cancelation fee for a K follows the nature of the K (p.8 CAN)
	1. Damages for breach of a trading K is taxable
	2. Damages for breach of long-term K is tax-free
	3. Damages for wrongful dismissal taxable under 56(1)(a)(ii)
	4. If employment terminated before EE starts tax-free (*Schwartz*)
5. Interest payments (p.27 CAN)
	1. Post-judgement i: this court awarded interest is a separate head of damages and is tax-free if the underlying sum of money payable is also tax-free (surrogatum principle)
	2. Pre-judgement i: this is true interest and is taxable, unless child victim

WARNING: if there is no source, then can’t deduct expenses for getting the settlement.

**Who is the TP?**

1. Resident in Canada: ID significant residential ties & secondary residential ties
	1. Individual:
		1. factual residence: residential ties (*Thomson; Lee*)
		2. deemed residence: 183 days
		3. ordinarily resident (*Reeder*)
		4. PT residence: is there a permanent relocation? If yes, split taxation yr
	2. Corporation
		1. Incorporated in Canada after April 27, 1965 🡪 deemed Canadian resident
		2. Incorporated in Canada before April 27, 1965
		3. Incorporated outside of Canada (*DeBeers*)
	3. Trusts & Estates: residence depends on central management & control (*Fundy*)
2. Non-resident in Canada must pay tax on income from Canadian sources: 2(3)
	1. Employment: income from duties performed in Canada, s.115(1)(a)(i)
	2. Carrying on biz: where is place of biz? Income from biz carried in Canada, 115(1)(a)(ii)
		1. Place of making the K (*Grainer*)
		2. Does agent have authority to bind? s.253(b); (*Sudden Valley*)
		3. Place where most of the profit is made (*Smidth; GLS Leaseco*)
	3. Withholding:
		1. ER has to withholding wages under s. 153(1)(a)
		2. Management fee/interest payments to person not at arm’s length/estate or trust income/rent & royalties payable to a non-resident are subject to a 25% withholding tax (s.212). Failure to do so will result in personal liability (215(6)).
			1. Non-resident landlords who get rental income from Canadian property can elect to be taxed on “net basis” under Part I (216(1)).

**Income from O/E**

Source starts when the biz opens its doors and ends when it closes its doors, so start-up costs not deductible.

1. Is X an employee?
	1. Employment vs. biz income
		1. Employer has to withhold tax for salary/wage/other remuneration, s.153(1)(a)
		2. Emp income reported on cash basis; biz income reported on accrual basis
	2. EE or IC
		1. 4fold test (*Weibe Door*) + integration test + other factors (*Cavanaugh*)+ maybe common intention
		2. attempts to avoid being characterized as O/E
			1. interposing a K for service: revolving door strategy
			2. interposing a corp (personal services biz)/trust (attribution rules)
			3. if end of employment, capitalization of the employment benefit
				1. employment income: ss. 5, 6(3)

if $ coming from ER, irrebuttable presumption of remuneration if 6(3)(c) inducements, 6(3)(d) remuneration or 6(3)(e) restrictive covenant

if inducement paid by 3rd party, taxable under 3(a), *Curran*

* + - * 1. income from other sources: “retiring allowance”; ER withholding 151(2)©
				2. tax deferral: roll-over to RRSP; no withholding
				3. tax-free damages: punitive, defamation, etc. (p.18 CAN)
				4. tax-free benefits: re-employment counselling, etc.
1. What is included in income?
	1. Salary/gratuities/other remuneration (bonuses, honoraria, could be gifts): s.5; back pay, inducement pay, non-compete: 6(3)
	2. Benefits: 6(1)(a): value of board, lodging, other benefits taxable
		1. Test: benefit to ER or EE? (*Tennant*) (*Sorin*)
			1. Lodging: does TP live there by choice? (*Sorin*)
			2. Golf membership tax free b/c EE hated golf
		2. “in respect of, in course of, or by virtue of an O/E”
			1. Doesn’t have to be remuneration for service as long as confers economic benefit as a result of employment (*Queen v Savage*)
			2. Gifts: assess value from PoV of EE not what ER pays
				1. Regular gifts to get future benefit taxable (*Laidler*)

56(3): non-cash gifts/awards tax free up to $500

* + - * 1. mere personal gift tax free: ER can’t deduct as biz expense
				2. benefit even if comes from 3rd party(*Waffle*)
		1. “benefit of any any kind whatever”
			1. gifts, unless fall under 56(3)
			2. incentive plan (*Waffles*)
			3. biz trip: if required by ER not a benefit (*Lowe*)
			4. clothing: not a benefit if required by ER (*Hoffman*)
			5. moving expenses
				1. deductible expenses under 62(3)
				2. non-deductible expenses:

eligible housing loss?

Cost of living adjustments: 62(3); *Phillips*

* + - 1. home relocation loan
		1. valuation
			1. if too hard to value, then tax free: ex. frequent flyer points
	1. Allowances: taxable under 6(1)(b)
		1. Can TP rebut the presumption of remuneration under 6(3) and show that reimbursement for an expense? *Ransom* did this
		2. Allowance to compensate for voluntary service taxable (*Campbell*)
		3. Exceptions:
			1. Reasonable allowance for biz trip
			2. Reasonable automobile allowance: required under K + log book
			3. Meal & reasonable commuting allowance
1. If not reimbursed by ER, then what are the allowed deduction? s.8
	1. Are the general requirements met?
		1. Required by employment K
		2. Income-earning purposes
		3. Only current expense deductible
	2. Reasonable? s.67
	3. Specific deductions
		1. Food/bev/entertainment can only deduct 50%: s.67.1
		2. Travelling expenses
			1. Transit pass tax credit: 118.02
		3. Legal expenses
		4. Professional & union dues: Annual fee deductible, but not initial fee
			1. CBA membership not deductible b/c not a statutory association
			2. Annual law society fee deductible, s.8(1)(i)(i)
			3. PLTC not deductible b/c once in a lif-time expenditure
		5. Home office
		6. Moving expenses: s.62
		7. Child care: s.63

**Income from biz or property**

1. Is it income from biz?
	1. TP activity: *Buckman*
	2. Organized activity
		1. Gambling no (*Graham; LeBlanc*)
		2. Gambler w/ insider info, biz (*Walker*)
		3. Look @ yrly, might be biz income this yr, but not next yr (*Morden*)
	3. Profit motive
		1. Reasonable expectation of profit not necessary; Test (*Stewart*)
	4. Adventure or concern in the nature of trade: speculative isolated transaction (*Bellingham*)
2. Is it income from property? Income from property fully included, 3(a)
	1. Interest income taxable under 12(1)(c); 12(3), (4) prevent deferring tax on interest income beyond 1 yr
		1. Interest component of a blended payment can be imputed under 16(1);
			1. 3 factors to impute interest in instalment K (*Groulx*) (p.27 CAN)
		2. post-judgment & pre-judgement interest
			1. if underlying sum tax-free, then pre-judge interest will also be free (surrogatuem principle): in *Bellingham,* interest in delay of payment taxable b/c underlying sum was taxable
			2. post-judgment interest always taxable, except if less than 21yrs: 81(1)(g.1),(g.2) OR structured settlement
	2. Rents & royalties
		1. 12(1)(g): extra $ on sale of property, where sale price is dependent on the production/use of the property, is included as income from property
	3. dividends: can’t be deducted as an expense: 18(1)(c); but get a tax credit
3. what can TP deduct? Determine if current or capital expense

WARNING: pre-operation or after closing expenses not deductible!

* 1. 18(1)(a): permits current deduction of operating expenses to the extent (= expenses can be apportioned, saw in *Benton*) incurred for purpose of earning biz/property income;
		1. test: must be for purpose of earning income, but doesn’t have to actually earn income: *Imperial Oil*
		2. recurring expenses deductible, look from TP’s POV (*Royal Trust*)
		3. expense for an acceptable biz practice is deductible (*Royal Trust)*
	2. 18(1)(b): prohibits current deduction of capital expenditure except as “expressly permitted”

A capital expenditure has 3 elements (*British Insulated*): 1) it is “once & for all”, 2) acquisition of an “asset or advantage”, 3) for the enduring benefit of biz/investment

*- Denison Mines:* expense of ore removal, which created haulageways, was held to be an operating expense deductible under 18(1)(a), not a capital expenditure. If something is created or resulted as a by-product of the operation of the biz, the expenditure won’t be capital in nature, even if it has enduring benefit to the biz

- What is the purpose of the acquisition? *Johns-*Manville: purpose of expenditure for land acquisition when viewed from a biz outlook was the removal of an obstacle, not acquisition of a capital asset, so deducted as a current expense (no element of enduring benefit & incurred annually for 40yrs). Recurring bona fide purchases connected to the biz of TP are current expenses, rather than capital outlays.

* + 1. 20(1)(a): can claim CAA on depreciable property (look @ chart on p.39)
			1. a biz asset can be depreciated if it meets 3 criteria:
				1. must be used to produce income
				2. has to have a defined service life longer than 1 yr
				3. the asset wears out
			2. Non-depreciable property
				1. Assets the cost of which are currently deductible: Reg 1102(1)(a)
				2. Inventory: Reg 1102(1)(b)
				3. Property that was not acquired for the purpose of earning income: Reg 1102(1)(c)
				4. Land: Reg 1102(2)
			3. Meaning of cost: *Ben’s Limited*
			4. Rules: ½ yr rule; available for use rule under s.13(26)
			5. **Limits:** 1) CCA created operating loss can’t be used to shelter other income. 2) Rental & leasing PP: amount of deductible CCA in respect of these properties is limited to the TP’s net income from such properties.
			6. Replacement: 13(4) permits deferral of recapture if disposition was involuntary
			7. Allocation of price between depreciable & non-depreciable property. If both parties agree that is conclusive (*Saskatoon Drug*). BUT if parties don’t agree, CRA can make a reasonable allocation under s.68.
		2. 20(1)(b): ECE deductible
		3. 20(1)(c): interest expense deductible
			1. $ must have been used directly for the purpose of earning income (*Bronfman*)
			2. as long as there is a link between borrowed money and earning of income from biz, interest on loan is deductible regardless of the type of collateral (*Singleton*); GTG as long as no sham
	1. 18(1)(h): can’t deduct personal expenses unless incurred on biz travel
	2. 18(1)(I): biz can’t deduct $ for maintenance of yacht & club membership fees
	3. 18(1)(t): interest on tax payments & penalties not deductible
	4. 67.1: 50% of entertainment expenses & biz meals deductible
	5. 67.5: can’t deduct crim bribes (p.34 CAN)
	6. 67.6: can’t deduct statutory fines & penalties
	7. limits:
		1. s.67 denies deduction of expenses that are otherwise deductible to the extent that the amount of the expense is unreasonable.
		2. need proof of payment: not keeping records downfall of *Campbell* & *Eldridge*
	8. personal or living expenses (p.31 CAN)
		1. people w/ disabilities
		2. legal fees
			1. liability expenses are deductible under 18(1)(a) as long as they are incidental to the biz; deduct when quantified: *Imperial Oil*
			2. defending crim charges
				1. if for own personal benefit, not deductible (*Leduc*)
				2. if offence committed in operation of ER’s biz, deductible (*Eldridge*)
			3. for receiving retiring allowance deductible: 60(o.1)
		3. childcare expense: not deductible as biz income (*Symes*), but some deduction permitted under 63
		4. food & beverages: extra food & bev consumed by foot/bike couriers & rickshaw drivers deductible @ $17.50/day (as a result of *Scott*); log book requirement (p.32CAN)
		5. commuting expenses
			1. get a public transit tax credit: 118.02
			2. commuter w/ home office can deduct: *Cumming & Cavanaugh;* BUT can’t get deduction for commute b/w home office and base office
				1. get some deduction on car
		6. home office deduction
			1. can only deduct if principal place of biz or used exclusively for income earning purpose: 18(12)
		7. education expenses
			1. refresher courses deductible
			2. get tax credit for tuition fee of post-secondary education: s.118.5
	9. Cost of goodwill (*Canada Starch*)
		1. Good will generated internally (i.e. inherent goodwill) is deductible as a current expense under 18(1)(a) – Tony: product & research dev is marketing & considered current expense
		2. Purchased goodwill (generated during the acquisition of a biz) is a capital expense. And, under the 2016 federal budget, it is a capital cost in a class of depreciable property: class 14.1; CCA rate of 5% per annum.
	10. Protection of intangible assets: ASK: are the expenses paid to acquire an asset or trade advantage?
		1. If defending the litigation doesn’t add anything and just lets them hold on to what they already have, then deductible as a current expense (*Kellogg*) – Tony: marketing expenditure
		2. $ paid to protect internally generated brand is a current expense (*Canada Starch*)
	11. Repair of tangible assets: cost can be apportioned b/w current repairs & capital outlays (*Shabro*)
		1. Capital expense
			1. Cost of replacing a distinct asset (can function on its own) (*Canada Steamship*). Can deduct CCA under s.20(1)(a); Reg, Sch II, Class 7 (15%)
			2. If expenditure substantially improves the capital asset by replacing it w/ something essentially different in kind (*Shabro*)
		2. Repair (deductible as current expense): replaced by something not diff in kind
			1. Replacement of damaged plates (*Canadian Steamship*)
			2. Repairing waterlines (*Shabro*)
			3. Genuine repair crisis in the interest of safety, even if replace w/ newer technology (*Gold Bar*)
			4. If expense is small in relation to the value of the property (*Gold Bar*)
1. income from illegal biz (p.33 CAN)
	1. taxable: *Buckman; Eldridge*
	2. expenses deductible as long as for purpose of earning $ & have receipts: *Eldridge*
	3. CRA can do a net worth assessment: s.152(7)

**Timing principles**

**Matching:** Accounting GAAP principles require matching income and expenses. But, it should be noted that matching is not required for tax purposes unless a specific provision in the act says so (*Imperial Oil*).

**GAPP vs. Law?** If the Act does not provide any guidance as to the treatment of a particular expense, then the TP can choose among the methods permissible under GAPP and the appropriate method is not the most favorable to the Minister (*Canderel*: Choices: 1) deduct entire amount as a current expense, 2) amortize over the term of the lease, 3) add to the cost of the building and claim CCA).

* *Canderel:* law prevail GAPP

**Taxation yr:** For individual is calendar yr = Jan 1 to Dec 31, 249(1)(b)

**Return Due Date:**

* For individuals, it is the April of the following yr, 150(1)(d)(i)
* Self-employed person/their spouse can elect for June 15 return date, 150(1)(d)(ii). BUT interest would accrue on taxes from April 30th.

**Timing of recognition of revenues and expenses**

1. Employees report on cash basis
	1. Farmers & fishermen can choose to use the cash method if they wish.
2. Self-employed/biz report on accrual basis
	1. Accountants, lawyers, doctors, dentists, veterinarians, chiropractors can elect the bills delivered method instead (s.34), which defers revenue to yr where bill is actually delivered. Bill is considered delivered on the day were account was delivered (12(1)(b)(i)) or would haven been delivered had there been no undue delay (12(1)(b)(ii)). BUT there is no deferral for deduction of expenses.
3. Investors (income from property) can choose, but have to be consisted from yr to yr

**Capital Gains**

Look at this if there is a disposition (defined in 248(1)) of asset. NOTE: bartering counts as disposition (*California Copper*); Not a disposition: loans, transfers of collateral security for a loan, transfers of bare legal title

* **Timing:** disposition occurs when beneficial interest of capital property passes, not just bare legal title
* **Part disposition:** deduct only a proportionate part of the total ACB from proceeds
* **Purchase a group of asset for a single price:** assign cost to individual assets based on relative sales value
* **When PP is payable in installments:** TP may claim a reserve for future proceeds, which permit vendor to defer tax on capital gain up to 5-yrs in total; Form T2017
* Type of capital property (p.44 CAN):
1. Personal-use property (PUP): gains taxable, but losses not deductible
2. Listed personal property (LPP): gains taxable & losses only deductible from gains on listed (in s.54) personal property
3. Other property: no loss restriction, unless it is depreciable property
* Capital gain:
	1. 39(1)(a): a gain from the disposition of a property, which gain would not be included in income under s.3
	2. = PoD – [ACB (purchase price to TP) + expense of disposition]: 40(1)(a)
		+ - expenses of disposition: costs of appraisals, legal/accounting fees, cost of transfer, commissions, surveyor’s fee, finder’s fee, fixing expenses like painting,
	3. ½ of a capital gain is a taxable capital gain: s.38(a)
* Capital loss:
	1. 39(1)(b): a loss from the disposition of a property, which loss would not be included in income under s.3; explicitly excludes depreciable property & ECE from capital losses
	2. = [ACB + expenses of disposition] – PoD: 40(1)(b)
	3. ½ of a capital loss is called ACL: s.38(b)
	4. ACL only deductible from TCG: 3(b)
	5. Carry back up to 3 yrs and forward indefinitely (111(1)(b)) and deductible only against NTCGs (111(1.1)).
		+ Exceptions:
			- * deductible against all sources in yr of death & previous yr: 111(2)
				* for small biz, allowable biz investment loss is deductible against all sources (back 3 yrs and forward 10). And after 10 yrs, only deductible from TCGs: 39(1)(c)
* Exemptions:
	1. Principal residence exemption: capital gain from a principal residence be tax-exempt: 40(2)(b)
		+ Amount of CG exempt: capital gain x ((1+ # of yrs occupied & claimed)/# of yrs owned)
		+ Capital loss on disposition is disallowed as a loss on PUP
		+ Principal residence is defined in s.54
			- * Dwelling; includes: subjacent land, ancillary buildings
				* TP/dependents must have occupied it in the yr
				* Limit: up to ½ hectare but can include more if “necessary to use and enjoyment”
				* Secondary units OK as long as don’t make changes to envelope or claim CCA
			- Only allowed 1 principal residence per yr. If cottage + house, partial CG exemption (Form T2091)
	2. Tax-free savings account: contribution limit = $5,500 per yr; applies to corporate securities, but not real estate & future Ks/other types of derivatives
	3. Tax deferral: RRSP/RPP: contribution limit = $25,370
* Can the transaction be characterized as an adventure or concern in the nature of trade? If yes, then it be taxed as income from biz. Look @ IT-459 (p.41 CAN)
	1. Similar to TP’s usual biz
	2. Frequency
	3. –
	4. dealing like a dealer or not for pleasure and intention to resell @ time of purchase
	5. TP acting like a dealer: (exit strategy: *Royal Height*; intention to resell: *Taylor*)
	6. TP found a buyer, like in *Taylor*
	7. Improvements to marketability: saw in *Californian Copper* & *Regal Heights*
	8. Related education/professional training, like in *Taylor*
	9. Personal enjoyment & income can’t be derived by virtue of holding property, *Taylor*
	10. Ability to earn income from property: *California Copper, Regal Heights*
	11. **Bond/stock/securities =** investment (even if highly volatile, *Irrigation Industries*); land = either investment or speculation
		+ - TP may elect to characterize disposition of securities as gain/loss, 39(4)
	12. Intention to hold or sell
	13. More than one intention at the time of purchase
	14. Isolated transaction not conclusive
* Commodity transaction (p.42 CAN): IT-346
	1. If trading as part of biz or have specialized knowledge, then treated as income
	2. If speculators, can elect whether income or gains/losses, but have to be consistent
* **Deemed dispositions**
	1. Gift/inheritance:
		+ to child/grandchild: deemed disposition/acquisition at FMV under s.69(1) (same as death of TP)
			- * When you receive a gift, you don’t pay any tax. But have to pay capital gain upon death.
			- to spouse/spouse trust: for both inter vivos (73(1)) and on death (70(6) and (6.2)) roll-over is automatic, unless transferor elects otherwise.
				* Transferor: deemed PoD = ACB; If property is depreciable, deemed PoD = UCC
				* Transferee: deemed to acquire property at ACB

When sell to a 3rd party: PoD (=sale price) – deemed ACB = CG x ½ = TCG

* 1. Death of TP: s.70(5)
		+ - Donor: [deemed PoD (=FMV) – ACB = CG] x ½ = TCG
			- Donee: deemed ACB = FMV
	2. Change in use of capital property from income-earning to non-income-earning (& vice versa): s.45
	3. Giving up Canadian residence: 128.1(4)(b)
	4. Deemed dispositions by a trust of trust property every 21-yrs: 104(4)(b), (c)
* Non-arm’s length transactions: under s.69
	1. if selling price > FMV
		+ Proceeds to vendor is selling price
		+ Deemed cost to purchaser is FMV
	2. If selling price < FMV
		+ Deemed proceeds to vendor is FMV
		+ Cost to purchaser is the actual cost

|  |  |  |
| --- | --- | --- |
|  | **Taxable** | **Non-Taxable** |
| RRSP contributions  | x |  |
| Insurance – Group life  | X  |  |
| Insurance – LTD premiums (long term disability)  |  | X  |
| Insurance – medical & dental plans  |  | X |
| Insurance - Director & officers liability  |  | x |
| Travel & Transportation |  |  |
| Parking | If free | If full market cost  |
| Spouse on trips  |  | If required |
| Daily commuting | If it’s for the benefit for the employee | If it is required for the employee  |
| Car allowances  |  |  |
| Professional development |  | x |
| Fitness facilities  |  | x |
| Employee counseling  |  | X  |
| Employer provided childcare |  | X  |
| Employer assisted childcare  | x |  |
| Prizes – gifts under $100 and under  |  | x |
| Prizes – gifts over $100  | x |  |
| Employee discounts  | X  |  |

**Tax free reimbursements**

-continuing education costs

-law society dues **BUT** the Law Society’s fee for PLTC course is a taxable benefit

-recreational facilities, club membership dues

-meals while working overtime

-taxi home if you work late

-out of pocket expenses

-business travel