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This publication is a high-level summary of the most recent tax developments applicable to business owners, investors, and high net worth individuals. Enjoy!

YEAR-END TAX PLANNING

December 31, 2020 is fast approaching... see below for a list of tax planning considerations. Please contact us for further details or to discuss whether these may apply to your tax situation.

SOME 2020 YEAR-END TAX PLANNING TIPS INCLUDE:

- 1) Certain expenditures made by individuals by December 31, 2020 will be eligible for 2020 **tax deductions or credits including:** digital news subscriptions, registered journalism organization contributions, moving expenses, child care expenses, charitable donations, political contributions, medical expenses, alimony, eligible employment expenses, union, professional or like dues, carrying charges and interest expense. Ensure you keep all receipts that may relate to these expenses.
- 2) No tax was withheld on **Canada Emergency Response Benefit (CERB)** payouts. Since these payments are taxable, taxes may be payable upon filing. If you received a retroactive payment from your employer in respect of a period for which you have received CERB, you may be required to pay the CERB back.
- 3) There are **benefit clawbacks** (required repayments) associated with certain COVID-19 related employment insurance-like payments, depending on annual earnings. The amounts for 2020 are:
 - Canada Recovery Benefit – \$0.50 of every dollar earned in excess of \$38,000
 - Employment Insurance – \$0.30 of every dollar earned in excess of \$67,750
 - Canada Emergency Response Benefit – No clawback due to annual earnings is applicable
- 4) A senior whose 2020 net income exceeds \$79,054 will lose all, or part, of their **Old Age Security** pension. Senior citizens will also begin to lose their age credit if their net income exceeds \$38,508. Consider limiting income in excess of these amounts if possible. Another option would be to defer receiving Old Age Security receipts (for up to 60 months) if it would otherwise be eroded due to high income levels.



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- 5) If you own a **business or rental property**, consider paying a **reasonable salary** to family members for services rendered. Examples of services include website maintenance, administrative support, and janitorial services. Salary payments require source deductions (such as CPP, EI and payroll taxes) to be remitted to CRA on a timely basis, in addition to T4 filings.
- 6) If you own a **business or rental property**, also consider making a **capital asset purchase** by the end of the year. Most capital assets purchased in 2020 will be eligible for accelerated depreciation (generally three times the deduction to which they would normally be entitled in the first year). For example, a piece of equipment normally eligible for a 10% deduction in the first year (Class 8), would be entitled to a 30% deduction. This benefit is available even if purchased and made available for use just before year-end.
- Some **zero-emission electric vehicles** purchased by businesses may be eligible for a 100% write-off (limited in some cases to the first \$55,000). Alternatively, zero-emission vehicles purchased in 2020 may be eligible for a federal incentive rebate of up to \$5,000.
- 7) Consider **selling non-registered securities**, such as a stock, mutual fund, or exchange traded fund, that has declined in value since it was bought to trigger a capital loss which can be used to offset capital gains in the year. Anti-avoidance rules may apply when selling and buying the same security.
- 8) Consider **restructuring your investment** portfolio to convert non-deductible interest into deductible interest. It may also be possible to convert personal interest expense, such as interest on a house mortgage or personal vehicle, into deductible interest.
- 9) If you have equity investments in, or loans made to a Canadian small business that has become insolvent or bankrupt, an **allowable business investment loss (ABIL)** may be available. For loans to corporations to be eligible, the borrower must act at arm's length. ABILs can be used to offset income beyond capital gains, such as interest, business, or employment income.
- 10) If a commercial debt you owe (generally a business loan) has been forgiven, special rules apply which may result in additional taxation or other adjustments to the tax return.
- 11) You have until Monday, March 1, 2021 to make tax deductible **Registered Retirement Savings Plan (RRSP)** contributions for the 2020 year. Consider the higher income earning individual contributing to their spouse's RRSP via a "spousal RRSP" for greater tax savings.
- 12) Individuals 18 years of age and older may deposit up to \$6,000 into a **Tax-Free Savings Account** in 2020. Consider a catch-up contribution if you have not contributed the maximum amounts for prior years. An individual's contribution room can be found online on CRA's My Account.
- 13) A **Canada Education Savings Grant** for Registered Education Savings Plan (RESP) contributions equal to 20% of annual contributions for children (maximum \$500 per child per year) is available. In addition, lower income families may be eligible to receive a Canada Learning Bond.
- 14) A **Registered Disability Savings Plan (RDSP)** may be established for a person who is under the age of 60 and eligible for the Disability Tax Credit. Non-deductible contributions to a lifetime maximum of \$200,000 are permitted. Grants, Bonds and investment income earned in the plan are included in the beneficiary's income when paid out of the RDSP.
- 15) **Canada Pension Plan (CPP)** receipts may be **split** between spouses aged 65 or over (application to CRA is required). Also, it may be advantageous to apply to receive CPP early (age 60-65) or late (age 65-70).
- 16) Are you a **U.S. Resident, Citizen or Green Card Holder**? Consider U.S. filing obligations with regards to income and financial asset holdings. Filing obligations may also apply if you were born in the U.S.
- Information exchange agreements have increased the flow of information between CRA and the IRS. Collection agreements enable CRA to collect amounts on behalf of the IRS.
- 17) If income, forms, or elections have been missed in the past, a **Voluntary Disclosure** to CRA may be available to avoid penalties.

2020 REMUNERATION

Higher levels of personal income are taxed at higher personal rates, while lower levels are taxed at lower rates. Therefore, individuals may want to, where possible, adjust income out of high-income years and into low-income years. This is particularly useful if the taxpayer is expecting a large fluctuation in income, due to, for example, an impending

- maternity/paternity leave;
- large bonus/dividend; or
- sale of a company or investment assets.



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In addition to increases in marginal tax rates, individuals should consider other costs of additional income. For example, an individual with a child may receive reduced Canada Child Benefit (CCB) payments. Likewise, excessive personal income may reduce receipts of OAS, GIS, GST/HST credit and other provincial/ territorial programs.

There are a variety of ways to smooth income over a number of years to ensure an individual is maximizing access to the lowest marginal tax rates. For example,

- Taking more, or less, earnings out of the company (in respect of owner-managed companies).
- Realizing investments with a capital gain/loss.
- Deciding whether to claim RRSP contributions made in the current year or carry-forward the contributions.
- Withdrawing funds from an RRSP to increase income. Care should be given, however, to the loss in RRSP room based on the withdrawal.
- Deciding on whether or not to claim CCA on assets used to earn rental/business income.

Dividends paid out to shareholders of a corporation that do not “meaningfully contribute” to the business may result in higher taxes due to the “tax on split income” rules.

Year-end planning considerations not specifically related to changes in income levels and marginal tax rates include:

- 1) **Corporate earnings** in excess of personal requirements could be **left in the company** to obtain a tax deferral (the personal tax is paid when cash is withdrawn from the company).

The effect on the “Qualified Small Business Corporation” status should be reviewed before selling the shares where large amounts of capital have accumulated. In addition, changes which may limit access to the small business deduction where significant corporate passive investment income is earned should be reviewed.

- 2) If dividends are paid out of a struggling business with a tax debt that cannot be paid, the recipient could be held **liable for a portion of the corporation’s tax debt**, not exceeding the value of the dividend (Section 160 assessments).
- 3) Year-end **bonuses** can affect the business’ **Canada Emergency Wage Subsidy (CEWS)** and the recipient’s **Canada Emergency Response Benefit (CERB)**. If the bonus partially relates to a claim period, it could increase entitlement to CEWS. On the other hand, it could eliminate entitlement to a CERB claim if it pushes the individual’s earnings for the period above \$1,000.

- 4) Individuals that wish to contribute to the **CPP or a RRSP** may require a salary to generate “earned income”. RRSP contribution room increases by 18% of the previous years’ “earned income” up to a yearly prescribed maximum (\$27,230 for 2020; \$27,830 for 2021).
- 5) Dividend income, as opposed to a salary, will reduce an individual’s cumulative **net investment loss** balance thereby potentially providing greater access to the capital gain exemption.
- 6) Consider paying taxable dividends to obtain a refund from the “**Refundable Dividend Tax on Hand**” account in the corporation. The amount of refund may be restricted if “eligible” dividends are paid. Eligible dividends are subject to lower personal tax rates.
- 7) It is costlier, from a tax perspective, to earn income in a corporation from **sales to other private corporations** in which the seller or a **non-arm’s length person** has an interest. As such, consideration may be given to paying a bonus to the shareholder and specifically tracking it to those higher-taxed sales. Such a payment may reduce the total income taxed at higher rates.
- 8) Recent changes to the tax regime will likely require more careful tracking of an individual shareholder’s labour and capital contribution to the business, as well as risk assumed in respect of the business. Inputs should be tracked in a permanent file. Dividends paid that are not reasonable in respect of those contributions may be considered “**split income**” and taxed at the highest tax rate. Several other exceptions may also apply.
- 9) Recent changes will restrict access to the corporate small business deduction where **more than \$50,000 of passive income** is earned in the corporation. Consider whether it is appropriate to remove passive income generating assets from the corporation and whether a shift in the types of passive assets held is appropriate. In some provinces it may actually be beneficial to have access to the small business deduction restricted. As many variables affect these decisions, consultation with a professional advisor is suggested.
- 10) If you are providing services to a small number of clients through a corporation (which would otherwise be considered your employer), CRA could classify the business as a **Personal Services Business**. There are significant negative tax implications of such a classification. In such scenarios, consider discussing risk and exposure minimization strategies (such as paying a salary to the incorporated employee) with your professional advisor.

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The preceding information is for educational purposes only. As it is impossible to include all situations, circumstances and exceptions in a newsletter such as this, a further review should be done by a qualified professional.

Although every reasonable effort has been made to ensure the accuracy of the information contained in this newsletter, no individual or organization involved in either the preparation or distribution of this letter accepts any contractual, tortious, or any other form of liability for its contents.

For any questions... give us a call.

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2020 PERSONAL INCOME TAX RETURN CHECKLIST

SECTIONS:

- A. Information – All Clients Must Provide
 - B. Additional Information – New Clients Must Provide
 - C. Questions to Answer
 - D. Other
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2020 was an extraordinary year like no other. Due to the significant changes from the COVID-19 pandemic, there are numerous tax issues to be aware of this year. For example, many individuals received support in a variety of forms from various levels of government. Others may have changed how they carried on their employment duties or business operations, including working from home or using their vehicle for employment or business reasons. We have outlined the key issues in the checklist below. Please let us know if you have received other support or incurred other costs related to your income earning activities due to the COVID-19 pandemic.

A. Information – All Clients Must Provide

1. All **income, support** and **benefits** received under **COVID-19** relief programs. Official tax slips may have been issued for some, but not all. For support where no slip is available, details surrounding the amount and types of payment is required. Some of these benefits are taxable while others are not. Please provide **details** on all **Federal, provincial/territorial, and other support** received.

Key **COVID-19** related **Federal personal support programs**:

	Taxable?
Canada Emergency Response Benefit (CERB)	Yes
Employment Insurance (EI) program	Yes
Canada Recovery Benefit (CRB)	Yes
Canada Recovery Sickness Benefit (CRSB)	Yes
Canada Recovery Caregiving Benefit (CRCB)	Yes
Canada Emergency Student Benefit (CESB)	Yes
One-time payment – disability support	No
One-time payment – GST/HST credit	No
One-time payment – Canada child benefit	No
One-time payment – OAS/GIS	No

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Key **COVID-19** related **Federal** government **support for business, rental or other income**:

	Taxable?
Canada Emergency Wage Subsidy (CEWS)	Yes
Canada Emergency Rent Subsidy (CERS)	Yes
Canada Emergency Business Account (CEBA)	Yes*

* The forgivable portion of the interest-free loan under the CEBA is taxable. Please provide the details.

As no slips are provided specific to these programs, please provide the amounts received and the period to which they relate.

2. All **information slips**, such as: T3, T4, T4A, T4A(OAS), T4A(P), T4E, T4PS, T4RIF, T4RSP, T5, T10, T2200, T2202, T101, T1163, T1164, TL11A, B, C and D, T5003, T5007, T5008, T5013, T5018 (Subcontractors), and corresponding provincial slips.
3. Details of **income** for which no T-slips have been received, such as:
 - a) other employment income (including any severance or termination pay, retiring allowance, tips or gratuities received, details on stock option plans and Election Form T1212),
 - b) business, professional, partnership, and rental income (including all amounts received from the sharing economy, such as AirBnB, VRBO, Uber, etc),
 - c) alimony, separation allowances, child maintenance (including divorce/separation agreement),
 - d) pensions (certain pension income may be split between spouses),
 - e) interest income earned but not yet received (such as amounts from Canada Savings Bonds, Deferred Annuities, Term Deposits, Treasury Bills, Mutual Funds, Strip Bonds, Compound Interest Bonds),
 - f) scholarships, fellowships, and bursaries, and
 - g) any other income received (e.g. director fees, executor fees, etc).
4. Details of **other investments**, such as:
 - a) capital gains/losses realized (this may be obtained, in some circumstances, from your investment advisor)
 - b) real estate, or oil and gas investments – including financial statements,
 - c) bitcoin or other cryptocurrency transactions, and
 - d) any other investments.
5. Details of **other expenses**, such as:
 - a) business, professional, investment and rental expenses (including capital purchases, such as vehicles, and equipment, including the invoice or bill of sale),
 - b) employment related expenses – provide Form T2200 – Declaration of Conditions of Employment, signed by employer, as well as the invoices and receipts for required employment expenses. See item 5 for details on work space in home.
6. Details related to your **work space in home**.

Due to the COVID-19 pandemic, many employees were required to work from home during a portion of 2020. In some cases, a deduction against employment income may be available.

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For work space in home expenses to be deductible, the employee must have a T2200 form from their employer which certifies that the employee was required to incur expenses in the course of their employment. In addition, one of the following has to be met:

- The home was where the employee mainly (more than 50% of the time) did their work; or
- The employee used the space exclusively to earn employment income, and used it on a regular and ongoing basis for meeting clients, customers or other people in the course of performing employment duties.

If either of the above tests are met, even for a portion of the year, a reasonable claim can be made. To make a claim, please provide a signed and completed T2200 from your employer; details on the portion of your home that was used as a work space (e.g. approx. square footage of work space versus other space); period of time that you worked from home and met one of the above test; expenses incurred that related to the work space; and whether any of the expenses were reimbursed. Also, include details on any allowances or rent payments received from the employer.

As an alternative, the government has announced that CRA will allow employees working from home in 2020 due to COVID-19 with modest expenses to claim up to \$400, based on the amount of time working from home, without the need to track detailed expenses. They will generally not request that people provide a signed form from their employers.

7. Details and **receipts for other deductions and tax credits**, such as:
- a) moving expenses (please advise us if you have, or may have, immigrated or emigrated to/from Canada),
 - b) child care expenses (if the services are provided by an individual, their SIN should be on the receipt),
 - c) alimony, separation allowances, child maintenance (including divorce/separation agreement),
 - d) adoption related expenses,
 - e) interest paid on qualifying student loans,
 - f) professional and union dues,
 - g) medical expenses for you, your spouse and any dependent persons,
 - h) charitable donations (including those to registered journalism organizations) and political contributions,
 - i) clergy residence deduction information (including Form T1223),
 - j) tuition fees for both full-time and part-time courses for you or a dependant – including mandatory ancillary fees, and Forms T2202, TL11A, B, C and D where applicable,
 - k) disability supports expenses (speech, sight, hearing, learning aids for impaired individuals and attendant care expenses),
 - l) mining tax credit expenses,
 - m) Registered Retirement Savings Plan and any other pension plan contributions and withdrawals (including withdrawals and repayments for the Home Buyers Plan and Lifelong Learning Plan),
 - n) film and video production expenditures eligible for a tax credit,
 - o) tools acquired by tradespersons and eligible apprentice mechanics,
 - p) scientific research and experimental development expenses,
 - q) Home Accessibility Tax Credit – Certain expenditures (up to \$10,000) may be eligible for a tax credit if made in relation to a renovation or alteration of your home to enhance mobility or reduce the risk of harm for an individual who is either, eligible for the Disability Tax Credit, or 65 years of age or older at December 31, 2020. Examples of eligible expenditures include amounts relating to wheelchair ramps, walk-in bathtubs, wheel-in showers and grab bars,
 - r) Eligible Educator School Supply Tax Credit – If you are a teacher or early childhood educator, please provide receipts (up to \$1,000) for eligible school supplies purchased in the year. An eligible supply expense is an amount paid in the year for supplies used or consumed in the school or regulated child care facility in the performance of your employment. Supplies include consumable goods such as construction paper,

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flashcards, items for science experiments, art supplies, and stationary items, and durable goods limited to games, puzzles, books, containers and educational support software. Please also provide a certification from your employer attesting to the eligible supplies expense,

- s) **NEW – Canada Training Credit (CTC)** – A refundable tax credit may be available to reimburse up to half of eligible tuition and fees associated with work-related training for individuals aged 25 to 64 years old at the end of the year. Please provide details on tuition and other fees related to training. Amounts refunded through the CTC will not also be eligible for the tuition tax credit. The maximum credit available in 2020 is \$250, based on \$500 of eligible expenses. To get the credit this year, you had to meet a number of conditions in the 2019 year, such as filing a tax return, being resident in Canada throughout the year, being 25 to 64 years at the end of year, having at least \$10,000 from maternity/paternity benefits or working income, and having net income that does not exceed \$147,667. And,
- t) **NEW – Digital News Subscription Tax Credit** – A non-refundable tax credit based on up to \$500 of amounts paid for a qualifying digital news subscription (primarily engaged in the production of original written news content) will qualify for this credit.

- 8. Details on the **disposition of your principal residence or other real property**. Please provide: proceeds of disposition, a description of the property, and the year the property was acquired. If disposing of other real property, please provide the cost of the property in addition to the requirements listed above. This is required even if there is no gain on the disposition of the property.

In addition, please indicate if you have a change-in-use of your property. This could include, for example, converting some or all of your principal residence into an income earning property, such as a rental suite. It could also include converting a property used for short-term rentals, such as AirBnB or VRBO, to long-term rentals.

- 9. Name, address, date of birth, social insurance number (SIN), and province of **residence** on December 31, 2020, if changed in the current year.
- 10. **Personal status** – single, married, common-law, separated, divorced, or widowed. If there has been a status change in the year, please provide the date of the change.
- 11. List of **dependants/children** including their income, birth date, and SIN.
- 12. Details regarding residence in a prescribed area which qualifies for the **Northern Residents Deduction**.
- 13. Details on 2020 income tax **instalments**, or payments of tax.
- 14. **2019 Notice of Assessment/Reassessment** and any other correspondence from CRA (including correspondence received after the filing of this personal tax return).
- 15. Details of **foreign property** owned at any time in 2020 including cash, stocks, digital currency (such as Bitcoin), trusts, partnerships, real estate, tangible and intangible property, contingent interests, convertible property, etc. Required details include: description of the property, related country, maximum cost in the year, cost at year-end, income, and capital gain/loss for each particular property.

For property held in an account with a Canadian securities dealer or Canadian trust company, please provide the country for each investment, fair market value of the investments at each month-end, income or loss on the property, and gain/loss on disposition of the property.

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16. Details of **income** from, or **distributions to, foreign entities** such as foreign affiliates and trusts.
17. Copy of any **foreign tax returns** filed and any associated tax assessments.
18. If we are not preparing your **spouse or common-law partner's personal tax return**, please provide their return for review and tax planning.
19. **Internet Business Activities** – If you have business, professional, farming, or fishing income, please indicate whether you have Internet business activities. According to CRA, Internet business activities include any activity where you earn income from your webpages, websites, or Apps. Information only webpages and websites like directories or ads will not generally trigger this information requirement.

If you have Internet business activities, please provide:

- a) The number and address of webpages or websites that your business generates income from. If you have more than 5, provide the 5 that generate the most income.
- b) The percentage of income generated from the Internet (if you do not know the exact percentage, provide an estimate).

B. Questions to Answer

1. Did you receive **interest, dividends, or benefits** from a **business** in which a **relative** is a **key party** (in terms of ownership or involvement)?
2. Are you a **U.S. citizen, Green Card Holder**, or were you, or your parents **born in the United States**? You may have U.S. filing obligations.
3. Are you an **aboriginal** person? Special tax rules may apply.
4. Are you **or any of your dependants** disabled? If so, provide Form T2201, Disability Tax Credit Certificate. The **transfer rules** allow claims for certain dependent relatives. In addition, are you, or would you like to provide support to a disabled person? Tax planning opportunities may be available, such as the establishment of a Registered Disability Savings Plan.

Persons with **disabilities** may also receive tax relief for the cost of **disability supports** (e.g. sign language services, talking textbooks, etc.) incurred for the purpose of **employment or education**. If you or your dependants are disabled but do not have a T2201 Form, please provide details so we can explore whether you are eligible for special credits or benefits.

5. Are you the **caregiver** for any infirm family members? Did you provide **in-home care** for an infirm **dependent relative**?
6. If you have children up to the age of 17, have you received the **Canada Child Benefit (CCB)**?
7. Have there been any other **significant life events** in the past year, such as the death or impairment of a loved one? There can be tax planning opportunities.

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8. Did you incur costs to access **medical intervention** required to **conceive a child** which was not previously allowed as a medical expense? Amounts may be claimed in respect of any such expense for the previous 10 years (if amounts were incurred in 2010, a claim must be made by the end of 2020).
9. Did you purchase a new home in 2020? If so, you may be eligible for the new **residential property GST/HST rebate**. Also, are you a first-time **home buyer** in 2020? A federal tax credit based on \$5,000 (@15% = \$750) may be available.
10. Have you spent more than 200 hours acting as a **volunteer firefighter** or a **search and rescue volunteer**? You may be eligible for a federal tax credit.
11. Have you made any contributions to a **gifting tax shelter**?
12. Did you receive any **significant prizes or awards** from your, or a related person's place of employment?
13. Did you receive a retroactive **lump-sum payment** over \$3,000 (for example, spousal support)? In certain cases, some tax relief may be available.
14. Do you want your **tax refund** deposited directly into your account at a financial institution?
15. Do you authorize CRA to give your name, address, date of birth, and citizenship to **Elections Canada** to update the National Register of Electors?

C. Additional Information – New Clients Must Provide

1. All **CRA correspondence** for the past three years.
2. Details of previously claimed **capital gain exemptions, business investment losses and cumulative net investment loss accounts**.
3. A listing or copy of **receipts** for significant **capital assets** purchased previously, which are currently held.
4. Details of **carry-forward amounts** from previous years (ex. losses, donations, forward averaging amounts, RRSP).

D. Other

1. Instalments required for 2021? A **Pre-Authorized Debit** Arrangement is an online service-payment option which authorizes CRA to withdraw a pre-determined payment amount directly from a bank account on a specific date to **pay taxes**. This may help **avoid penalties** on late and/or missing instalment payments.
2. **MyCRA mobile App** – This web App allows you to access and view key portions of your tax information such as your notice of assessment, tax return status, benefit and credit information, and RRSP and TFSA contribution room.

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3. **Canada Job Grant** – 2/3rds of certain employee training courses may be eligible for this grant. If interested in improving your skills, ask your employer about this opportunity.
4. CRA Online Services – **Account Alerts** – Individuals can register with CRA to be notified by email when CRA’s record of an individual’s address has changed, banking information for direct deposit has changed, or **if mail sent by CRA was returned**.
5. Additional **provincial/territorial credits** and programs may be available (such as the Ontario Seniors’ Public Transit Tax Credit).
6. **First-Time Home Buyer Incentive (FTHBI)** – Broadly, first-time home buyers and those who have recently experienced a marriage or common-law relationship breakdown may be eligible to obtain **5%** or **10%** (newly constructed homes only) of the purchase price of a home under a **shared-equity mortgage**. The borrower(s) must repay the FTHBI (being 5% or 10% of the value of the property at repayment) at the earlier of the sale date or 25 years. Alternatively, the borrower may voluntarily choose to repay the full amount back at an earlier time without a pre-payment penalty. No partial payments are permitted. Access to the program is limited to those borrowers (all who are on title) whose total combined income is not greater than \$120,000. The maximum home price depends on several factors, including the total combined income of all borrowers and the deposit on the property, however, in the most extreme cases, must be less than just over \$500,000. To determine the maximum home price, based on your specific factors, go to <https://www.placetocallhome.ca/fthbi/eligibility-savings-calculator>. The government has also recently announced that the program will be expanded.
7. **Zero-Emission Vehicles** – Individuals or businesses can receive a federal incentive of up to \$5,000 when they purchase or lease a zero-emission vehicle. A listing of eligible vehicles can be found at <https://tc.canada.ca/en/road-transportation/innovative-technologies/zero-emission-vehicles/list-eligible-vehicles-under-izev-program>. Alternatively, certain zero-emission vehicles for business use may enjoy a temporary first-year CCA rate of 100%. A business can access only either the purchase incentive or the enhanced CCA in the first year.

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