

# 加拿大海外资产和海外企业相关税务问题

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# 讲座内容安排

有缘相聚，感谢！

May's introduction

Foreign property tax issues (May)

Foreign affiliate tax issues (May)

Canadian insurance products (Kim)

Q & A

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个人税业务

公司税业务

税务咨询业务

税务规划业务

其它业务

会计师事务所  
(Accounting Firm)

讲座内容

税务居民身份认定

海外资产申报及处置

海外企业申报

- 加拿大税务居民身份认定的重要性
  - 全球收入纳税 (Worldly Income)
  - 海外资产申报 (Foreign Property)
  - 海外企业申报 (Foreign Affiliate)
- 如何认定税务居民身份
- Q & A

- 加拿大税务局（CRA）的规定
  - 居住联系的建立（Residential Tie）
  - NR74 Determination of Residency Status (entering Canada)
  - NR73 Determination of Residency Status (leaving Canada)
- 居住联系的理解
  - 在加拿大有家
  - 配偶或孩子与你一起住在加拿大
  - 个人资产
  - 社会关系

## Residential ties in Canada include:

- a home in Canada
- a spouse or common-law partner or dependant who move to Canada to live with you
- personal property
- social ties in Canada
- other ties: a Canadian driver's license, Canadian bank accounts or credit cards, and health insurance with a Canadian province or territory.

## Q & A

持有加拿大枫叶卡或加拿大公民是否一定是税务居民？

太空人是否是非税务居民？

陪读妈妈是税务居民吗？

何时成为加拿大的非税务居民？



- 海外资产的申报义务
  - 税务居民
  - 海外资产成本超过10万加币
- 海外资产的类别和成本
- 海外收入和海外资产的关联
- 如何申报海外资产
- 海外资产的漏报或错报

- 海外资产类别
  - 海外银行或金融机构存款
  - 海外投资地产
  - 海外证券投资（股票、基金和期货等）
  - 海外信托
  - 海外保单
- 海外资产的成本

### What property do you have to report?

- funds or intangible property (patents, copyrights, etc.) situated, deposited or held outside Canada;
- tangible property situated outside of Canada;
- a share of the capital stock of a non-resident corporation held by the taxpayer or by an agent on behalf of the taxpayer;
- an interest in a non-resident trust that was acquired for consideration, other than an interest in a non-resident trust that is a foreign affiliate for the purposes of section 233.4 of the Act;
- shares of corporation resident in Canada held by you or for you outside Canada;
- an interest in, or right with respect to, an entity that is a non-resident;
- an interest in a foreign insurance policy

## Do I have to report foreign personal-use property on Form T1135?

- No, you do not have to report personal-use property. This includes vacation property that you use primarily as a personal residence and listed personal property such as works of art, jewelry, rare folios, rare manuscripts, rare books, stamps, and coins.

## What is cost amount?

Cost amount is the **acquisition cost** of the property.

If you immigrate to Canada, the cost amount is **the fair market value** of the property **at the time of immigration**.

Similarly, if you received specified foreign property as a gift, or inheritance, the cost amount is its **fair market value at the time of the gift or inheritance**.

## 海外资产与海外收入的关联

- 海外资产产生的收入为海外收入
- 成为加拿大税务居民当年需要申报海外收入，第二年需要申报海外资产

## Q & A

海外银行存款（Wechat, 支付宝, 各类理财产品）对应的海外收入？

海外股票账户投资对应的海外收入？

海外房产对应的海外收入？

海外债权对应的海外收入？

## 如何申报海外资产？

- T1135 Foreign Income Verification Statement
- 简单申报 (C\$100,000-C\$250,000)
- 详细申报 (>C\$250,000)



## 海外资产的漏报或晚报

- 税局相关罚则
- 自愿信息披露方案(Voluntary Disclosure Program)

## Form T1135 filing deadlines

<b>Taxpayer Category</b>	<b>Filing due date</b>
Self-employed persons: You or your spouse or common-law partner carried on a business	On or before June 15
All other individuals	On or before April 30

## CRA penalty applies to Form T1135

- The penalty for failing to file a return is \$25 per day for up to 100 days (minimum \$100 and **maximum \$2,500**).
- Where the failure to file is done knowingly or under circumstances amounting to gross negligence, the penalty is \$500 per month for up to 24 months (**maximum \$12,000**).
- Where a demand to file a return is issued under subsection 233(1) and the person or partnership knowingly or under circumstances amounting to gross negligence fails to comply with the demand, the penalty is \$1,000 per month for up to 24 months (**maximum \$24,000**).
- After 24 months, the penalty becomes **5% of** whichever of the following resulted in the requirement to file the information return, less any penalties already levied: **the cost of the foreign property**; the fair market value of the property transferred or loaned to the trust; or the cost of the shares and indebtedness of the foreign affiliate.

**Q & A**

海外资产的申报与海外大额资金汇款有何关联？

- 海外资产出售
- 离境税（非税务居民）与海外资产视同出售

- 海外企业的申报义务
- 海外企业收益的纳税义务
- 如何申报海外企业

## 海外企业申报义务:

- 海外控股企业 (Controlled foreign affiliate)

加拿大税务居民持有海外公司股份超过50%

- 海外非控股企业 (Non-controlled foreign affiliate)

加拿大税务居民所持有海外企业股份1%以上, 其本人及家人共持有股份10%以上

海外企业收益的纳税义务：

- 海外企业的主动收益 (active business income)
- 海外企业的被动收益 (passive income)



- T1134

Information Return Relating to Controlled and Not-Controlled Foreign Affiliates (新版13页)

- 海外企业申报需提供资料
  - 公司基本信息
  - 公司股份持有文件
  - 公司分红信息
  - 财务年度报表
  - 海外控股企业需提供更多信息

## T1134 Filing deadline

For tax years that begin in 2020, Form T1134 will have to be filed within **12 months** of the end of the reporting taxpayer's tax year;

For tax years that begin after 2020, Form T1134 will have to be filed within **10 months** of the end of the reporting taxpayer's tax year

有缘相聚，感谢！



梅花

加拿大 温哥华



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