

PLANNING FOR 2007 CAN HELP REDUCE YOUR TAXES

Tax planning is a prudent and necessary procedure for both the individual and corporate taxpayers due to the complexities and constant changes in our income tax legislation. Although tax planning is something which should be considered throughout the year, towards year end it becomes more common to evaluate certain tax planning ideas which may result in a reduced or deferred tax burden.

Most tax planning transactions should be reviewed with your professional tax advisor as the proposals incorporated in this year's Federal and Provincial budgets may not necessarily be the same as when they ultimately become law. Further changes which may have occurred to previously available tax planning measures may have changed.

In this year end tax planning issue of *tax & business Alert* we present several items for your consideration.

CONTRIBUTE TO YOUR RRSP

If you haven't yet contributed to your RRSP for 2007, don't wait until the end of February 2008, contribute now. The earlier you contribute to your RRSP, within the allowable limits, the more quickly the capital to finance your retirement will grow sheltered from tax.

Your maximum contribution for 2007 is 18% of income earned in 2006, principally from employment or a business, up to a maximum of \$19,000 (compared to \$18,000 in 2006). The maximum RRSP contribution for

2007 applies to earned income of \$105,556 in 2006. If you participate in a pension plan, you

Travel and Automobile Allowance

The Income Tax Act provides that allowances which are not in excess of reasonable amounts, in respect of travelling and motor vehicle expenses incurred in the performance of the duties of an office or employment, are not required to be included in computing the income of an individual from that office or employment.

CLAIM THE \$750,000 CAPITAL GAINS DEDUCTION

Small business corporation shares and qualified farm property (including shares of a corporation and partnership interests) still qualify for the lifetime capital gains deduction of \$750,000 (\$500,000 for shares disposed of before March 19, 2007). Claiming this deduction often requires a good dose of planning and help from your tax advisor. If you are

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CONTRIBUTE TO YOUR RRSP (CONTINUED)

should keep the pension adjustment in mind — and the pension adjustment reversal, if applicable. To find out the exact amount that you can contribute, look at the “RRSP Deduction Limit Statement for 2007” section of your federal assessment notice for 2006.

Plan Ahead for 2008

The RRSP limit will increase again in 2008, when it will reach \$20,000. If you have your own corporation, have no other source of earned income, and are able to do so, pay yourself a salary of at least \$111,111 this year if you wish to ensure that you can contribute the maximum amount to your RRSP in 2008.

MATURING RRSP

An RRSP must be matured before December 31 of the year in which the annuitant turns age 71. Do not miss this legislated deadline. If you do, all accumulated funds in your RRSP will be included in your taxable income in the year following the year you turn 71. You will have no recourse for correcting this oversight. There are three main maturity options that apply to non-insurance-type RRSPs:

- Receive an annuity.
- Transfer the accumulated RRSP funds into a registered retirement income fund (RRIF) from which a periodic retirement income is received.
- Collapse the RRSP and receive a lump sum after paying the relevant tax.

Unused Prior Year Contributions

If you contributed less than the maximum allowable amount to your RRSP in a previous year, and if you can afford it, use the unused RRSP contribution room for 2007 by contributing an additional amount equal to the unused room.

The law allows you to contribute up to \$2,000 over the authorized maximum. Do not exceed this limit, because the penalty of 1% per month on excess contributions can add up fast, and the administrative formalities to recover overcontributions are relatively complex.

Is your spouse younger than you?

If your spouse is younger than you and you anticipate that his or her retirement income will be less than yours, consider creating a spousal RRSP. You can then continue contributing to the spousal plan until your spouse turns 71, provided that you have unused contribution room.

DEFER THE TAX ON CERTAIN STOCK OPTION BENEFITS

If you exercised stock options in 2007 on publicly traded shares and expect to keep these shares until at least December 31, 2007, you can defer the benefit related to exercising options worth \$100,000, as this amount is based on the fair value of the shares at the time the stock options were granted. To defer the benefit, you have to notify your employer before January 16, 2008, so this information can be included in your T4 (Relevé 1 in Québec) for 2007. Your tax advisor can help you to determine whether the deferral is beneficial and, if so, how to optimize it.

tax & business ALERT has been prepared by LEVI & SINCLAIR, LLP for the general information of our clients, staff and other interested parties. The enclosed comments are of a general nature and are not intended to cover all aspects of the subject matter. Prior to implementing any planning based upon information in this publication, the specific facts pertaining to any particular situation should be carefully considered. We will be pleased to assist in this regard and to provide further details pertaining to the matters discussed herein.

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CLAIM THE \$750,000 CAPITAL GAINS DEDUCTION (CONTINUED)

thinking about selling the assets that qualify for this deduction before the end of the year, consult your tax advisor as soon as possible.

If you have already claimed the \$100,000 personal capital gains deduction (abolished in 1994), you are entitled to a maximum deduction of only \$650,000. If you plan to use this deduction in 2007, check with your tax advisor to find out whether you have realized an allowable business investment loss (ABIL) in prior years or have cumulative net investment losses (CNILs) as at December 31, 2007, as these will be taken into account, and it is possible that you will not be able to claim the full deduction.

USE YOUR CAPITAL LOSSES

Under the tax rules governing capital losses, you can use your 2007 capital losses to decrease the current year's taxes if you have realized at least an equal amount in capital gains. Many taxpayers also sell their investment losses before the end of the year once they have realized significant gains earlier in the year. But be careful! If, within the 30 days prior to or following the sale of an asset that resulted in a capital loss, you purchase an identical asset, the superficial loss rules prevent you from claiming a capital loss on an asset you clearly intended to continue holding. This rule also applies if your spouse or a company under your control purchases the identical asset.

STAGGER TAXATION OF CERTAIN CAPITAL GAINS

If you dispose of property on which you realize a capital gain, you can stagger the taxation of this gain over up to five years if you allow the purchaser to stagger the payment of the proceeds from the sale over at least a five year period as well. The term is increased to 10 years for the transfer of farm or fishing property, shares from a family farm or fishing corporation, or from a small business corporation when this transfer is carried out in favour of a child, a grandchild or a great-grandchild living in Canada.

DEDUCTING HOME OFFICE EXPENSES

If you are self-employed, or run your own sideline business and have an office in your home, you may be able to deduct expenses relating to that office. For home office expenses to be deductible, the office must either be your principal place of business, or be used exclusively to earn business income and be used on a regular and continuous basis for meeting clients, customers, or patients.

However you cannot increase or create a loss by deducting home office expenses. Any excess is not lost since it can be carried forward.

DONATE

If you have not already done so, now is an ideal time to reconsider your donation plans for 2007 and benefit from the charitable donations tax credits. The federal credit is equal to 15.5% of the first \$200 of charitable donations paid in the year and 29% for any donation in excess of \$200 (12.94% and 24.22% respectively for Quebec residents).

For tax purposes of the territories and provinces other than Québec, the credit varies from 4% to 11% for the first \$200 and from 11.16% to 18.02% for amounts exceeding \$200. For Québec tax purposes, the tax credit is equal to 20% of the first \$200 (previously \$2,000) and 24% of the excess.

Another very interesting tax strategy, for both you and the charity, is to donate publicly traded company shares from your portfolio, especially if these shares include a significant gain. In fact, no income tax is payable on a capital gain realized when shares of a public listed company are donated to a charitable organization (including private foundations, since March 19, 2007). Under these circumstances, the charity receives a larger amount than it would if you were to sell the shares and donate the proceeds after paying taxes on the gain.

REPAY SHAREHOLDER LOANS

If you took a loan from your corporation in 2006, repay it before the end of 2007. If you delay, the full amount of the loan will be added to your income for 2006. An exception is available if the loan was made to an employee-shareholder for purchasing a residence, securities issued by the employer, or a car for work purposes. Other restrictions apply to these types of loans, however.

DECLARE A BONUS

The small business tax deduction (SBD) is available to Canadian-controlled private corporations with incomes of less than \$400,000 in 2007 (this amount varies regarding provincial and territorial taxes and was \$300,000 in 2006). If the company's fiscal year is not a calendar year, the amounts must be determined on a pro rata basis from the number of days in its fiscal year that are situated in each of the calendar years. If the active business income derived from your company exceeds the \$400,000 threshold (or any amount between \$300,000 and \$400,000, according to the date of its fiscal year-end in 2007), it would be good tax planning for the corporation to pay out a bonus to bring its income below the threshold. Your company will be able to claim the tax deduction as long as the bonus is paid within 180 days of your corporation's fiscal year-end.

MAKE CERTAIN DISBURSEMENTS BEFORE THE END OF THE YEAR

Some deductions and credits can only be claimed if the amount was disbursed before the end of 2007. This is the case for charitable donations, child support (if deductible), childcare expenses, interest on loans for investment purposes, tuition fees, and union and professional dues.

MAKE YOUR DECEMBER INSTALMENT

Individuals who are required to make quarterly instalments should review the amounts paid, to avoid or reduce the non-deductible interest charged on late or deficient instalments (which can be onerous).

If you are required to pay your income taxes in instalments and estimate that your 2007 income will be significantly less than it was in 2006, decrease the amount, if you have not already done so, of your

December 15, 2007 instalment. However, be careful when making this estimate: if your actual income in 2007 is higher than expected, you could be required to pay interest that is not tax-deductible.

TIMING OF ACQUISITION OF ASSETS

Accelerate the acquisition of depreciable property used in carrying on a business otherwise planned for the beginning of the next year. This will allow additional depreciation to be available to be claimed in the current year. The "available-for-use rules" should be considered (generally requiring the depreciable property to be used in operations for the depreciation deduction to be allowed). This will also allow full capital cost allowance deduction in 2008.

Consider delaying until the subsequent year the acquisition of depreciable property in a class that would otherwise have a terminal loss.

REGISTERED EDUCATION SAVINGS PLAN (RESP)

Under a RESP, contributions are made to the plan, intended to pay for the post-secondary education of designated beneficiaries, usually the taxpayer's children or grandchildren. Although contributions are not tax-deductible, income earned in the plan is not taxable until distributed, at which time it is taxed in the hands of the beneficiary.

The accumulated income is forfeited where the beneficiary (ies) does (do) not undertake post-secondary education. However, certain plans allow the substitution of other children, grandchildren, nephews/nieces and even non-related persons.

KEEP YOUR TRANSIT PASSES

Individuals can claim a non-refundable tax credit for monthly or longer-duration public transit passes in their federal tax return. The 2007 federal budget also included a tax credit for weekly transit passes that are valid after 2006, provided that the taxpayer purchases at least four consecutive passes. The budget also includes measures to make electronic payment cards issued after 2006 eligible for the tax credit, provided that certain conditions are met.

**CPP PENSIONABLE EARNINGS CEILING
FOR 2008 UP TO \$44,900**



U.S. CITIZENS IN CANADA

A U.S. citizen resident in Canada must file Canadian and U.S. income tax returns, reporting their worldwide income. These tax returns should usually be prepared by a competent professional advisor due to the complicated interplay of foreign tax credits.

**EMPLOYMENT INSURANCE PREMIUM
RATES TO BE REDUCED**

The Canada Employment Insurance Commission has announced that employment insurance (EI) premium rates will be reduced for 2008. For employees, the rate will fall to \$1.73 from \$1.80 per \$100 of insurable earnings. The rate for employers will fall to \$2.42 from \$2.52. In Quebec, where premiums are lower because the province finances its own parental benefits, the rates for 2008 will be \$1.39 for employees and \$1.95 for employers.

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The Canada Revenue Agency announced today that the maximum pensionable earnings under the Canada Pension Plan (CPP) for 2008 will be \$44,900 - up from \$43,700 in 2007. The new ceiling was calculated according to a CPP legislated formula that takes into account the growth in average weekly wages and salaries in Canada.

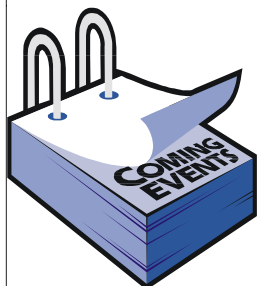
The basic exemption amount for 2008 remains \$3,500. Individuals who earn less than that amount do not need to contribute to the CPP.

The employee and employer contribution rates for 2008 will remain unchanged at 4.95%, and the self-employed contribution rate will remain unchanged at 9.9%. The maximum employer and employee contribution to the plan for 2008 will be \$2,049.30, and the maximum self-employed contribution will be \$4,098.60. The maximums in 2007 were \$1,989.90 and \$3,979.80.

WILLS

Wills should be reviewed and updated on a periodic basis, taking into consideration changes in financial position and legislation.

ALERT DATES



December 15, 2007 Fourth quarterly personal income tax instalment for 2007 due.

February 29, 2008 Deadline for filing 2007 remuneration slips to employees (T4/Relevé1) and independent sales representatives (T4A/Relevé1), slips for payments of dividends and interest (T5/Relevé3); including related summaries to the respective governments.

Deadline for 2007 contributions to an RRSP.

Commission de la Santé et de la Sécurité du travail du Québec (CSST) filing due date.

FEDERAL ECONOMIC STATEMENT

OCTOBER 30, 2007

The Honourable Jim Flaherty, Minister of Finance, today presented the Government's 2007 Economic Statement, which proposes broad-based tax relief for all Canadians, including a 1% further reduction of the goods and services tax (GST) effective January 1, 2008.

Proposals for Business

The general corporate income tax rate will decline by 7.12 percentage points between 2007 and 2012 to 15% from the current level of 22.12%. This reduction will start with a 1-percentage-point reduction in the rate in 2008 beyond the already scheduled reductions.

GENERAL FEDERAL CORPORATE INCOME TAX RATE REDUCTIONS

	2007	2008	2009	2010	2011	2012
Existing Rates	22.12	20.50	20.00	19.00	18.50	18.50
Proposed Rates	22.12	19.50	19.00	18.00	16.50	15.00

The 2007 rate of 22.12 per cent includes the 1.12-per-cent corporate surtax, which will be eliminated in 2008.

To support small business, the reduction in the tax rate to 11% for small business, currently scheduled to be reduced in 2009, will be accelerated to January 1, 2008.

Proposals for Individuals

Increasing the basic personal amount to \$9,600 retroactive to January 1, 2007. The basic personal amount will be increased to \$10,100 on January 1, 2009.

Reducing the lowest personal income tax rate to 15 per cent from 15.5 per cent retroactive to January 1, 2007.

Readers are reminded that while budget proposals are customarily given the effect of law immediately, the amending legislation, when ultimately adopted by Parliament, may be altered to some degree.

ABOUT LEVI & SINCLAIR, LLP

LEVI & SINCLAIR is a firm of chartered accountants that traces its origin in Montreal to 1950. We pride ourselves on being more than just an accounting firm. We offer an effective blend of personalized service, experience and technological leadership, coupled with a steadfast commitment to consistently deliver excellence.

Our Chartered Accountants and Business Consultants provide advisory services on a broad range of issues to both our individual and corporate clients. The members of our firm possess unique talents, expertise and experience, giving our clients access to a knowledge base of considerable breadth and depth. Together with our support personnel, we share a commitment to developing practical solutions for the business challenges of today, and to devising strategies for tomorrow.

Litigation Support Services

The corporate landscape has changed dramatically over the past several years and the impact of international corporate activity has resulted in international litigation support requirements. Our firm has developed an expertise in both litigation support and international service.

This is achieved primarily through the extensive use of the internet and electronic innovations which enable us to operate in a virtual office. However, there are critical times during any litigation when face-to-face meetings are necessary and we pride ourselves on the ability to be just about anywhere in North America within 48 hours notice, or less.

While based in Montreal, we have successfully performed these services to clients and lawyers in San Francisco, Austin, Freeport Bahamas, St. Kitts and Nevis, Vancouver, Denver, New York, Philadelphia, Boston, Houston, Vancouver and Toronto.

Our highly trained staff are licensed world-wide to perform investigative and forensic audits and have achieved international recognition for their innovations particularly in the field of computer forensics. Our forensic department has been called upon by law enforcement agencies as well as the public and private sectors for assistance in the most complex and difficult of situations in Canada, the United States and the Caribbean.

Our litigation support services are directed by Philip C. Levi CMC, CFE, FCA, CPA, CA•IFA who has attained an international recognition as a leading expert in forensic investigations and auditor negligence defense as well as prosecution. Phil is a licensed Chartered Accountant in Canada as well as a licensed Certified Public Accountant in the USA and a Certified Fraud Examiner as well as an accredited specialist by the Canadian Institute of Chartered Accountants in Investigative and Forensic Auditing. He has been recognized as an expert by numerous court jurisdictions throughout Canada, the US and the Caribbean and was selected as the Certified Fraud Examiner of the Year in 2007.

Particular advantages which we can offer litigators is the speed of service (conflict checks can be done in less than one day), exemption from the restrictions of both the Sarbanes-Oxley Act and Canada's New Independence Rules as they relate to auditors of public entities, and most importantly, personalized service.

We offer highly competitive rates and services which strive to exceed our clients expectations. We welcome your inquiries and hope to work together to find solutions to your conflicts.

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- **Management and employee fraud and theft**
- **Identification of secret commissions and kickbacks**
- **Sarbanes-Oxley compliance audits**
- **Sarbanes-Oxley 404 audits**
- **Intellectual Property Litigation Support**
- **Training on fraud awareness and prevention**
- **Due Diligence Audits**
- **Business valuation and Fairness Opinions**
- **Insurance claim assistance**
- **Retail sales audits**
- **Contract dispute resolution**
- **Professional negligence litigation support**
- **Fraud prevention program design, implementation and evaluation**
- **Bank due diligence audits**
- **Employee background audits**
- **Financial discrepancy analysis**
- **Divorce litigation support**
- **Insurance claim quantification**
- **Breach of contract quantification**
- **Electronic Discovery and Data Recovery**
- **Computer forensics**

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