



Canada Revenue
Agency

Agence du revenu
du Canada

GST/HST Information for the Travel and Convention Industry

Is this guide for you?

This guide gives information on how to charge the goods and services tax/harmonized sales tax (GST/HST) on accommodation, tour packages, passenger transportation services, conventions, meeting facilities, and related convention supplies. It also explains the rebates that may be available to non-residents for eligible tour packages, for short-term and camping accommodation resold in tour packages, and for foreign conventions and non-resident exhibitors. It also includes information on how Canadian suppliers can pay or credit certain rebate amounts to non-residents.

GST/HST and Quebec

In Quebec, Revenu Québec administers the GST/HST. If the physical location of your business is in Quebec, you have to file your returns with Revenu Québec using its forms. For more information, see the Revenu Québec publication IN-203-V, *General Information Concerning the QST and the GST/HST*, available at www.revenu.gouv.qc.ca, or call 1-800-567-4692.

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La version française de cette publication est intitulée *Renseignements sur la TPS/TVH pour l'industrie du tourisme et des congrès*.

What's New?

We list the major changes below, including changes that have been announced but were not law at the time of printing this guide. If they become law as proposed, they will be effective as of the dates indicated. For more information on these and other changes, see the areas outlined in colour in this guide.

Harmonized sales tax for Ontario

As of July 1, 2010, Ontario harmonized its retail sales tax with the GST to implement the harmonized sales tax in Ontario at the rate of 13% (5% federal part and 8% provincial part).

Harmonized sales tax for British Columbia

As of July 1, 2010, British Columbia (BC) harmonized its provincial sales tax with the GST to implement the harmonized sales tax in BC at the rate of 12% (5% federal part and 7% provincial part).

Harmonized sales tax rate change for Nova Scotia

As of July 1, 2010, Nova Scotia increased its harmonized sales tax rate to 15% (5% federal part and 10% provincial part).

Mandatory electronic filing

Under proposed changes, for reporting periods that end after June 2010, you may have to file your GST/HST returns electronically. For more information, see Guide RC4022, *General Information for GST/HST Registrants*, or go to www.cra.gc.ca/gsthst.

Place of supply rules

The place of supply rules have changed. For more information, see GST/HST Technical Information Bulletin B-103, *Harmonized Sales Tax – Place of supply rules for determining whether a supply is made in a province*, or go to www.cra.gc.ca/placeofsupply.

My Business Account

You can now use the Instalment payment calculator service to calculate your instalment payments and view their related due dates.

To learn more about the growing list of services available in My Business Account, go to www.cra.gc.ca/mybusinessaccount.

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Definitions

Commercial activity – means any business or adventure or concern in the nature of trade carried on by a person, but **does not include**:

- the making of exempt supplies; or
- any business or adventure or concern in the nature of trade carried on without a reasonable expectation of profit by an individual, a personal trust, or a partnership where all the members are individuals.

Commercial activity also includes a supply of real property, other than an exempt supply, made by any person, whether or not there is a reasonable expectation of profit, and anything done in the course of making the supply or in connection with the making of the supply.

Consumer – refers to a particular individual who acquires or imports property or services for personal consumption, use, or enjoyment or the personal consumption, use, or enjoyment by another individual at the particular individual's expense. It does not include individuals who acquire or import property or services for their commercial activities or to make an exempt supply.

Coupon – is a document or other device, such as a voucher, receipt, or ticket that can be redeemed for a product or service or can be used to buy a product or service, but does not include a gift certificate or a barter unit.

Exempt supplies – are supplies of property and services that are not subject to the GST/HST. GST/HST registrants cannot claim input tax credits to recover the GST/HST paid or payable on expenses related to making such supplies.

Input tax credit (ITC) – means a credit GST/HST registrants can claim to recover the GST/HST paid or payable for property or services they acquired, imported into Canada, or brought into a participating province for use, consumption, or supply in the course of their commercial activities.

Participating province – means the province of British Columbia, New Brunswick, Newfoundland and Labrador, Nova Scotia, or Ontario.

Person – means an individual, a partnership, a corporation, the estate of a deceased individual, a trust, or any organization such as a society, a union, a club, an association, or a commission.

Property – includes goods, real property, or intangible personal property such as trademarks, rights to use a patent, and admissions to a place of amusement, but does not include money.

Registrant – means a person that is registered or has to be registered for the GST/HST.

Supply – means the provision of property or a service in any way, including sale, transfer, barter, exchange, licence, rental, lease, gift, and disposition.

Taxable supplies – are supplies of property and services that are made in the course of a commercial activity and are subject to the GST/HST (including zero-rated supplies).

Zero-rated supplies – are supplies of property and services that are taxable at the rate of 0%. This means there is no GST/HST charged on these supplies, but GST/HST registrants can claim ITCs for the GST/HST paid or payable on purchases and expenses made to provide them.

What is the GST/HST?

The goods and services tax (GST) is a tax that applies to most supplies of goods and services made in Canada. The GST also applies to many supplies of real property. For example, it applies to many sales and leases of land and buildings, interests in such property, and intangible property such as trademarks, rights to use a patent, and digitized products downloaded from the Internet and paid for individually.

The participating provinces harmonized their provincial sales tax with the GST to implement the harmonized sales tax (HST) in those provinces. Generally, the HST applies to the same base of goods and services as the GST. In some participating provinces, there are point-of-sale rebates equivalent to the provincial part of the HST on certain designated items.

As of July 1, 2010, Ontario harmonized its retail sales tax with the GST to implement the HST in Ontario at the rate of 13% (5% federal part and 8% provincial part).

As of July 1, 2010, British Columbia (BC) harmonized its provincial sales tax with the GST to implement the HST in BC at the rate of 12% (5% federal part and 7% provincial part).

Also, as of July 1, 2010, Nova Scotia increased its HST rate to 15% (5% federal part and 10% provincial part).

As a result of these recent changes, the HST rate varies depending on the province. The chart below shows the applicable rates beginning January 1, 2008.

GST/HST Rates		
	Before July 1, 2010	On or after July 1, 2010
Ontario	GST at 5%	HST at 13%
British Columbia	GST at 5%	HST at 12%
Nova Scotia	HST at 13%	HST at 15%
New Brunswick	HST at 13%	HST at 13%
Newfoundland and Labrador	HST at 13%	HST at 13%
Territories and other provinces in Canada	GST at 5%	GST at 5%

For more information, go to www.cra.gc.ca/gsthst or see Guide RC4022, *General Information for GST/HST Registrants*.

How does the GST/HST work?

If you are a GST/HST registrant, you have to charge and collect the GST/HST on taxable supplies you make in Canada and file regular GST/HST returns to report the tax.

You can claim an input tax credit (ITC) on your GST/HST return to recover the GST/HST paid or payable on purchases and expenses you use, consume, or supply in your commercial activities. Generally, commercial activities are those undertaken to provide taxable (including zero-rated) property and services.

For example, if you buy taxable goods to resell in your store, you can recover the GST/HST paid or payable on those goods by claiming an ITC. You cannot claim an ITC to recover the GST/HST paid or payable on purchases related to your supplies of exempt property and services, or that are for personal use.

The difference between zero-rated and exempt property and services is that, although you do not collect the GST/HST on zero-rated or exempt property and services, you can only claim ITCs for the GST/HST paid or payable on purchases used to provide zero-rated property and services.

For more information, see Guide RC4022, *General Information for GST/HST Registrants*. If you are a non-resident, see Guide RC4027, *Doing Business in Canada – GST/HST Information for Non-Residents*.

Who charges the GST/HST?

Generally, GST/HST registrants have to charge and collect the GST/HST on all taxable (other than zero-rated) supplies of property and services they provide to their customers.

Who pays the GST/HST?

Almost everyone has to pay the GST/HST on purchases of taxable (other than zero-rated) supplies of property and services. However, Indians and some groups and organizations, such as certain provincial and territorial governments, do not always pay the GST/HST on their purchases. For more information, go to www.cra.gc.ca/gsthst or call 1-800-959-5525.

Taxable property and services

Most property and services (including those that are zero-rated) supplied in or imported into Canada are subject to the GST/HST.

Property and services taxable at 5%, 12%, 13%, or 15%

Examples of property and services for which you charge the GST/HST include:

- hotel and other short-term accommodation in Canada;
- convention space and meeting rooms;

- services provided by travel agents (with some exceptions);
- domestic tour packages;
- most domestic passenger transportation by bus, train, ship, or aircraft;
- trans-border air travel to the continental United States and the islands of St. Pierre and Miquelon;
- international day trips by road or rail;
- car rentals in Canada;
- a service of ticket cancellation for domestic travel services;
- taxi and limousine rides;
- restaurant meals; and
- admissions to theatres, museums, and other places of entertainment.

Zero-rated property and services

Examples of property and services taxable at 0% (zero-rated supplies) include:

- basic groceries such as milk, bread, and vegetables;
- prescription drugs and drug-dispensing services;
- international air travel, **except** to the continental United States and the islands of St. Pierre and Miquelon;
- international passenger transportation by road and rail, **except** day trips; and
- most property and services supplied in Canada when exported under certain circumstances.

For more information, see GST/HST Memoranda Series Chapter 4, *Zero-Rated Supplies*.

Exempt property and services

A small number of property and services are exempt from the GST/HST. This means that you do not charge the GST/HST on your supplies of property and services, and you do not claim input tax credits.

Examples of exempt property and services include:

- most long-term residential accommodation (of one month or more) and residential condominium fees;
- accommodation rented for \$20 or less for each day of occupancy;
- travel insurance provided by an insurance company;
- a travel agency's service to an insurance company of selling its travel insurance;
- ferry services (other than zero-rated) and the use of toll highways and toll bridges;
- municipal transit services; and

- child care services (daycare services provided usually for less than 24 hours a day) provided primarily for children 14 years of age and under. **This does not include the supervision of a child provided in conjunction with a taxable passenger transportation service for the child.**

Should you register?

You have to register for the GST/HST if:

- you provide taxable supplies in Canada; and
- you are not a small supplier.

Note

If you are a sponsor of a foreign convention, special rules apply. For more information, see “Foreign conventions” on page 28.

Generally, you are a **small supplier** if your total gross worldwide taxable revenues, including such revenues of your associates, are CAN\$30,000 or less (CAN\$50,000 for public service bodies) over any four consecutive calendar quarters or in any one calendar quarter.

When determining your revenues, include worldwide revenues from supplies of property and services that were subject to the GST/HST (including zero-rated supplies), or that would have been subject to the GST/HST if you had supplied them in Canada.

However, do not include supplies of goodwill, financial services, or sales of capital property. For examples of supplies that would have to be included in this calculation, see “Taxable property and services” on the previous page.

Exception

Non-residents who enter Canada to sell admissions to a place of amusement, a seminar, an activity, or an event **have to register** for the GST/HST, even if their total taxable revenue is \$30,000 or less (or \$50,000 in the case of a public service body).

Voluntary registration

Although you generally do not have to register if you are a small supplier (see above), you may be able to register voluntarily. If you register, you must charge the GST/HST on your taxable supplies of property and services and report that amount on your GST/HST return. You can also claim input tax credits (ITCs) for the GST/HST paid or payable on purchases related to these supplies. You have to stay registered for at least one year before you can ask to cancel your registration.

If you choose not to register, you cannot charge the GST/HST, and you cannot claim ITCs.

For more information, go to www.cra.gc.ca/gsthst or see Guide RC4022, *General Information for GST/HST Registrants*, or Guide RC4027, *Doing Business in Canada – GST/HST Information for Non-Residents*.

Reporting the GST/HST

If you are a GST/HST registrant, you have to file a GST/HST return for each reporting period (either monthly, quarterly, or annually) to report the total amount of the GST/HST you charged your customers during the reporting period. The GST/HST you report has to include amounts you billed or invoiced, even if the amounts have not yet been paid.

As a registrant, you can also claim ITCs on your return to recover the GST/HST paid or payable on purchases and expenses you use in your commercial activities.

When you fill out your return, you can deduct your ITCs from the GST/HST charged. If the tax you charged your customers is more than the tax paid or payable on your purchases, send us the difference. If the tax you charged your customers is less than the tax paid or payable, you can claim a refund.

For more information, go to www.cra.gc.ca/gsthst or see Guide RC4022.

Accommodation and hospitality supplies

Accommodation

Generally, you have to charge the GST/HST when you rent out a suite or room in a hotel, motel, inn, or boarding house or provide similar accommodation. However, you do not have to charge the GST/HST if situation 1 or 2 applies.

Situation 1

The rental of a residential unit (for example, a hotel room, suite, or apartment) is exempt if it is rented for **\$20 or less** per day of occupancy, regardless of the rental period.

Situation 2

The rental of a residential unit is exempt if the unit:

- qualifies as a **residential complex**, or is a residential unit (for example, a hotel room, suite, or apartment) in a residential complex; and
- is rented as a place of residence or lodging by the same individual for a continuous period of **one month or more**.

Note

When monthly room rentals are exempt from the GST/HST, how often the room charge is billed (for example, daily, weekly, or monthly) does not change the exempt status, as long as the arrangement gives the tenant or customer continuous use or possession of the same room for at least one month.

Is my establishment a residential complex?

We consider your establishment to be a residential complex if **more than 10%** of all of the residential units (hotel rooms, suites, apartments) in your establishment are rented for continuous possession or use of 60 days or more.

Part of a building may qualify as a residential complex while another part does not. If you use specific rooms in part of a building (Part A) consistently for rental periods of 60 days or more, we consider Part A to be a residential complex.

This means that rentals of rooms in Part A are exempt from the GST/HST when rented to individuals for continuous periods of **one month or more**, regardless of the rental periods of rooms in the other part (Part B) of the building.

Unless Part B also qualifies as a residential complex, rentals of the rooms or suites in Part B are generally taxable. However, if any room in Part B were rented at a rate of \$20 or less per day, it would be exempt.

Calculation methods to determine status as a residential complex

If your establishment has rentals for less than 60 days and rentals for 60 days or more, use either the **revenue method** or the **room supply method** to determine if your establishment, or part of it, qualifies as a residential complex.

You can choose the method that is appropriate for your specific circumstances. Both methods are described in the example below.

The time period you can use to determine whether your establishment qualifies as a residential complex is flexible. However, the period must be **reasonable** for the particular rentals in question and you must use it **consistently**. We consider a one-year period appropriate. However, the period could differ depending on the nature of your operation.

If you make these calculations over a reasonable period of time, minor fluctuations likely won't affect the status of your establishment. However, if your actual operations differ from your expectations, or if your operations change, you will have to redo your calculations.

Example

You operate a 60-room apartment hotel. During a one-year period:

- you consistently rent 25 of the rooms for periods of less than 60 days (Type A rentals). Each of these 25 rooms is rented for a total of 300 nights during the year at a rate of \$70 per night; and
- you consistently rent the other 35 rooms for periods of 60 days or more (Type B rentals). Each of these 35 rooms is rented for a total of 200 nights during the year at a rate of \$45 per night.

To find out if you exceed the 10% threshold to have your establishment qualify as a residential complex, use the revenue method **or** the room supply method, as follows:

Revenue method

If you decide to use the revenue method, use **one** of the two following calculations:

Daily revenue calculation

This calculation is the daily revenue from Type B rentals (60 days or more) divided by the daily revenue from all rentals:

Daily revenue from
Type B rentals:.....\$45 × 35 rooms = \$1,575

Daily revenue
from all rentals:..... \$1,575 + (\$70 × 25 rooms) = \$3,325

Percentage of Type B
rental revenue:..... \$1,575 ÷ \$3,325 = **47%**

Total revenue calculation

This calculation is the total revenue from Type B rentals divided by the total revenue from all rentals (in this case, for a period of one year).

Revenue from Type B
rentals:.....(\$45 × 35 rooms × 200 nights) = \$315,000

Revenue from
other rentals:.....(\$70 × 25 rooms × 300 nights) = \$525,000

Total revenue
from all rentals:.....\$525,000 + \$315,000 = \$840,000

Percentage of Type B
rental revenue:.....\$315,000 ÷ \$840,000 = **38%**

Room supply method

If you decide to use the room supply method, use **one** of the two following calculations:

Number of rooms available for rent calculation

This calculation is the number of Type B rooms (60 days or more) divided by the total number of all rooms:

Number of Type B rooms 35

Total number of all rooms.....25 rooms + 35 rooms = 60

Percentage of Type B rooms.....35 ÷ 60 = **58%**

Number of room nights sold calculation

This calculation is the total number of nights rented for Type B rooms divided by the total number of all nights rented (in this case, for a period of one year):

Nights rented for
Type B rooms: 35 rooms × 200 nights = 7,000

Total of all nights
rented:7,000 + (25 rooms × 300 nights) = 14,500

Percentage of Type B
nights rented:7,000 ÷ 14,500 = **48%**

In this example, the apartment hotel qualifies as a residential complex. (In this case, no matter which calculation you choose, the result is **more than 10%**.)

This means the following:

- you do not charge the GST/HST on a room that you rent for use as a place of residence or lodging by the same individual for a continuous period of **one month or more**; and
- you have to charge the GST/HST on any room that you rent for a period of less than one month.

Note

Any room rented for \$20 or less per day of occupancy remains exempt.

Accommodation – related supplies

The GST/HST applies to other supplies made to customers during their stay, regardless of the length of the stay or cost of the accommodation. These include:

- room service;
- pay-per-view movies;
- telephone, photocopies, and faxes; and
- laundry and dry cleaning.

Parking

Generally, parking is subject to the GST/HST. However, parking is exempt if it is supplied for a period of at least one month to a guest in a residential complex and:

- the parking space **is** part of the residential complex (regardless of who supplies the parking space); or
- the parking space **is not** part of the residential complex but is supplied by the accommodation provider and the use of the space is incidental to the use and enjoyment of the accommodation as a place of residence for individuals.

Food and beverages

You charge the GST/HST on food and beverages sold in dining rooms, coffee shops, bars, lounges, and convention facilities and on food and beverages sold through room service.

However, the following supplies of food and beverages are zero-rated:

- food and beverages not suitable for immediate consumption (for example, a bag of coffee beans, pre-packaged frozen dinners); or
- food consisting of sweetened baked goods such as pies and cakes, muffins, tarts, doughnuts, cookies, and similar sweetened goods, not sold for consumption at the outlet and that:

- is pre-packaged for sale to consumers in quantities of **six or more** single servings; or
- is not pre-packaged for sale to consumers, and a consumer purchases **six or more** single servings at a time.

Note

A point-of-sale rebate of the 8% provincial part of the HST payable on qualifying prepared food and beverages is available in Ontario. For more information, see Info Sheet GI-064, *Harmonized Sales Tax for Ontario – Point-of-Sale Rebate on Prepared Food and Beverages*.

Banquet and catering services

The GST/HST applies to food and beverages catered in banquet and meeting rooms, or at on-site locations. This means that you charge and collect the GST/HST on such things as prepared platters, hot meals, and beverages. Wine-corking and any other supplies made to cater a banquet or meeting function are also taxable at the applicable GST/HST rate.

Gratuities

Gratuities that customers voluntarily give to employees are not taxable for GST/HST purposes. However, if you include a gratuity as part of the charge for a taxable service on an invoice to your customer, the GST/HST applies to the service charge.

Example

Your sales invoice for a banquet dinner is \$1,000 plus a 15% gratuity (service charge) of \$150. You charge the GST/HST on the total invoice of \$1,150.

Deposits

You do not collect the GST/HST when a customer gives you a deposit toward a taxable purchase (other than zero-rated). Collect the GST/HST on the deposit when you apply it to the purchase price.

If the customer does not make the purchase and loses the deposit, the forfeited deposit is subject to the GST/HST. You calculate the GST/HST as follows:

- GST equal to 5/105 of the forfeited amount;
- HST equal to 12/112 of the forfeited amount (for British Columbia [BC]);
- HST equal to 13/113 of the forfeited amount (for participating provinces other than BC and Nova Scotia); or
- HST equal to 15/115 of the forfeited amount (for Nova Scotia).

Example

In January 2010, an organization gave you a deposit of \$500 to reserve convention space in Calgary, Alberta. Later, the organization cancelled the contract and forfeited the deposit. We consider you to have collected, at that time, GST equal to 5/105 of the amount of the deposit. This means that you have to include \$23.81 ($5/105 \times \500) on **line 103** of your GST/HST return for the reporting period in which the amount was forfeited.

If the forfeited deposit in the example above was for space in a participating province, we would consider you to have collected, at that time, HST equal to:

- 12/112 of the amount of the deposit for supplies in BC;
- 13/113 of the amount of the deposit for supplies in a participating province other than BC and Nova Scotia; or
- 15/115 of the amount of the deposit for supplies in Nova Scotia.

This means that you would have to include the amount on **line 103** of your GST/HST return for the reporting period in which the amount was forfeited:

- \$53.57 ($12/112 \times \500 for BC);
- \$57.52 ($13/113 \times \500 for a participating province other than BC and Nova Scotia); or
- \$65.22 ($15/115 \times \500 for Nova Scotia).

If the customer who forfeited the deposit was a GST/HST registrant, he or she may be entitled to claim an input tax credit (ITC) for the GST/HST included in the forfeited amount when all of the other conditions for claiming an ITC are met because he or she is considered to have paid that tax.

Coupons, gift certificates, and discounts

Reimbursable coupons

Reimbursable coupons are usually called **manufacturers coupons**. They entitle the customer to a reduction of a fixed dollar amount on the purchase price. Vendors can expect to be reimbursed by the manufacturer or another third party for accepting these coupons from customers. For example, a chain of hotels (franchisor) may reimburse a franchisee that redeems coupons that entitle a guest to a reduction of a fixed dollar amount for a night's stay at one of the chain's hotels.

When you, as a vendor, accept a reimbursable coupon from a customer, you treat the coupon the same as cash. If the purchase is subject to tax, you charge the GST/HST on the full price of the item and then deduct the value of the coupon.

Example

A customer used a \$10 reimbursable coupon towards a dinner entrée bought in February 2010 in Manitoba.

Price of entrée	\$25.00
GST ($\$25 \times 5\%$)	<u>1.25</u>
Subtotal	26.25
Less reimbursable coupon value	<u>(10.00)</u>
Customer pays	<u>\$16.25</u>

When you prepare your GST/HST return, report the GST charged on your sales. Using the example, you report \$1.25 for the sale. The value of the coupon does not have to be reported separately.

If you reimburse a vendor for redeeming your reimbursable coupons, you can claim an input tax credit (ITC) for the tax fraction of the coupon value (see below).

If you use a reimbursable coupon to make taxable (other than zero-rated) purchases for your business, you have to reduce the amount of any ITCs you claim on your purchases by the tax fraction of the face value of the coupon.

The tax fractions are as follows:

- 5/105 for the GST;
- 12/112 for the HST where the rate of 12% applies;
- 13/113 for the HST where the rate of 13% applies; and
- 15/115 for the HST where the rate of 15% applies.

Note

If you are claiming an ITC for a reimbursable coupon that you accepted after June 30, 2006, but before 2008, use the following rates for calculating the tax fraction:

- 6/106 for the GST; or
- 14/114 for the HST.

Non-reimbursable coupons

These are coupons that you, as the vendor, issue and accept, and for which no one reimburses you. They entitle a customer to a reduction for a fixed dollar amount or percentage amount in the price of a taxable (other than zero-rated) supply. These coupons are sometimes called vendor coupons. As the issuer, you can either include a reduction of the GST/HST in the face value of these coupons or reduce the purchase price of the good or service.

If you choose to include the GST/HST in the value of the coupons, you treat them the same way as reimbursable coupons, as explained on this page. This means that you charge and remit the GST/HST on the full price of the good or service and you can claim an ITC calculated on the tax fraction of the coupon value.

Example

You operate in Halifax, Nova Scotia and you accept a non-reimbursable coupon that includes 15% HST.

Total price of item	\$30.00
HST (\$30 × 15%)	<u>4.50</u>
Total sale	34.50
Less coupon value	<u>(10.00)</u>
Customer pays	<u>\$24.50</u>

In this case, when you file your GST/HST return, report the GST/HST charged on your sales (\$4.50 in this example). You can claim an ITC for the tax fraction (15/115 HST) of the coupon value.

If you choose not to include the GST/HST in the value of your coupons, deduct the coupon value from the selling price before calculating the GST/HST.

Example

You operate in Newfoundland and Labrador, and you accept a non-reimbursable coupon that does not include the GST/HST.

Total price of item	\$30.00
Less coupon value	<u>(10.00)</u>
Total sale	20.00
HST (\$20 × 13%)	<u>2.60</u>
Customer pays	<u>\$22.60</u>

In this case, when you file your GST/HST return, report the GST/HST charged on your sales after you deduct the coupon from the purchase price (\$2.60 HST in this example).

You cannot claim ITCs for coupons you issue that do not include the GST/HST.

Other coupons

Any coupon that does not come within the definition of a reimbursable or a non-reimbursable coupon is treated as reducing the selling price (the GST/HST is calculated on the selling price net of the coupon value).

Example

Two customers present a two-for-one coupon for their restaurant meals. They pay \$9.95 for one meal and get the second meal free. You charge the GST/HST on \$9.95.

Gift certificates

A gift certificate is generally a voucher, receipt, or ticket:

- that has a stated monetary value;
- that can be redeemed as a partial or full payment against the purchase price of a good or service from a specific supplier (the supplier treats the redeemed certificate as if it were cash);
- for which the person buying the certificate gives money or other consideration to the vendor selling the certificate;
- that has no intrinsic value; and
- that does not require the person redeeming the gift certificate to do anything other than present the certificate.

You do not collect the GST/HST on the sale of a gift certificate. When a customer gives you a gift certificate towards a purchase, calculate the GST/HST on the price of the item and treat the gift certificate as if it were cash.

Example

In February 2010, you rented out a room in Newfoundland and Labrador to a customer for \$59 and the customer gave you a \$10 gift certificate towards the price of the room.

Room charge	\$59.00
HST payable (\$59 × 13%)	<u>7.67</u>
Subtotal	66.67
Less: gift certificate	<u>(10.00)</u>
Customer owes	<u>\$56.67</u>

Discounts

Do not charge the GST/HST on property and services you offer free of charge. Generally, if you offer a discount, the GST/HST applies on the price after the discount. For example, if a room rate is regularly \$99 and you offer a weekend special rate of \$79, charge the GST/HST on \$79 for that special rate.

Third-party transactions

A hotel may enter into an agreement with other businesses, such as restaurants or parking lots, where the other business agrees to provide property or services to the hotel's guests but the amount payable by the guest is included on the bill issued by the hotel. Depending on the terms of the agreement, the hotel may be purchasing the property or services and selling them to their guests or acting as an agent in making a transaction on behalf of the other business.

Whether a hotel is acting as an agent is a question of fact and depends on the terms of the agreement between the parties involved. For more information, see GST/HST Info Sheet GI-012, *Agents*, or call 1-800-959-5525.

Example

A hotel does not have enough parking spaces for all of its guests. It enters into an agreement with the operator of a parking lot situated nearby to allow guests to use its parking spaces. The agreement provides that the parking lot operator will invoice the hotel on a monthly basis for the use of the parking spaces. The hotel invoices the guest by including the parking charges on the guest's hotel bill. The hotel is making the supply of the parking space. It is not acting as an agent of the operator of the parking lot.

The hotel reports the total amount of GST/HST charged for the room and parking on its GST/HST return. The hotel can also claim an ITC for the GST/HST paid or payable to the parking lot operator for the parking charges.

Passenger transportation services

This section gives information on how the GST/HST applies to domestic and international passenger transportation services. Before explaining whether a passenger transportation service is subject to the 5% GST or the HST at the rate of 12%, 13% or 15%, several terms need to be defined.

Terms used in this section

Passenger transportation service

A passenger transportation service is any mode of transportation available to the public, such as transportation by bus, taxi, train, aircraft, or boat, as long as there is:

- a mode of conveyance;
- an operator of the conveyance independent of the traveller; and
- an itinerary.

Generally, an **itinerary** describes all elements of a journey, including origin, termination, stopovers, dates and times of arrivals and departures, and all modes of conveyance throughout the journey.

Ski lifts, horseback rides, hot-air-balloon rides, and hang gliding are not considered passenger transportation services. Vehicle rentals that the traveller operates and controls, such as automobiles, motor homes, motorcycles, bicycles, snowmobiles, all-terrain vehicles, and other recreational vehicles, are also not considered to be passenger transportation services.

Continuous journey

Generally, a continuous journey of an individual (or group of individuals) means the set of all passenger transportation services provided to the individual or group as part of the same journey. However, certain conditions must be met before a journey is a continuous journey.

To find out if a journey is a continuous journey, first consider whether all of the passenger transportation services in the journey are provided on **one ticket** or on **two or more tickets**.

One ticket

If you provide one or more passenger transportation services for which you issue one ticket or voucher, all of the passenger transportation services on that ticket or voucher are part of one continuous journey.

Note

Stopovers do not affect a journey's status as a continuous journey when all transportation services in the journey are provided on **one ticket** or voucher.

Two or more tickets

If you provide more than one passenger transportation service and you issue separate tickets or vouchers for the different legs of the journey, all of the legs may be part of one continuous journey if **all** of the following conditions are met:

- All of the tickets or vouchers are issued by the same supplier or by two or more suppliers through one agent acting on behalf of all the suppliers.
- All tickets are supplied at the same time and the supplier or agent keeps documentation to show that there is no stopover between any legs of the journey.
- If all tickets or vouchers are issued at different times, the supplier or agent keeps documentation showing that there is no stopover between any legs of the journey.

Origin

Origin means, for a continuous journey, the place where the first passenger transportation service that is included in the continuous journey begins.

Stopover

A stopover, for a continuous journey, is any place where a traveller, or a group of travellers, boards or exits an aircraft, bus, train, boat, or other mode of passenger transportation for any reason other than to transfer to another conveyance, or for the conveyance to be serviced or refuelled.

A stop of **more than 24 hours** between two legs of a journey is generally considered a stopover when two or more tickets are issued for the legs of the journey. However, if the supplier or agent can prove that the stop is for servicing or refuelling the conveyance, or for the traveller to transfer to another conveyance, the stop is not considered a stopover. The legs will still be a part of the continuous journey, and the continuous journey status will be unaffected.

A stop between two legs of a journey that is **24 hours or less** is not considered a stopover and will not affect whether the legs are part of a continuous journey.

Example

A registered tour operator sold a traveller a one-way rail ticket from Halifax, Nova Scotia to Moncton, New Brunswick, and, at the same time, a one-way bus ticket from Moncton to Boston, Massachusetts.

If the traveller is scheduled to leave on the bus within 24 hours of arriving in Moncton, both the bus and rail tickets are part of a continuous journey from Halifax to Boston, even though separate tickets were issued for each mode of transportation. The tour operator keeps documentation showing that there is no stopover between any legs of the journey.

Termination for a continuous journey

The termination, for a continuous journey, is the place where the last passenger transportation service that is included in the continuous journey ends.

Taxation area

A taxation area means Canada, the United States (except Hawaii), and the islands of St. Pierre and Miquelon.

Domestic passenger transportation services

Generally, the GST/HST applies to all passenger transportation services provided in Canada. This includes transportation by bus between two Canadian cities.

Exception

Municipal transit services and most domestic ferry services are exempt from the GST/HST.

However, a domestic passenger transportation service may be zero-rated if it is part of a continuous journey that has an international element. For more information, see “Sales of domestic passenger transportation services to travel providers” on this page and “International passenger transportation services” on the next page.

Which rate of tax applies – GST or HST?

The tax that applies depends on the province in which you supply the domestic passenger transportation service.

If the passenger transportation service is supplied:

- in a participating province, the supply is subject to the HST; or
- in the rest of Canada, the supply is subject to the GST.

Place of supply for passenger transportation services

For supplies made in Canada after April 30, 2010, there are changes to the place of supply rules.

Passenger transportation service that is part of a continuous journey

Generally, a passenger transportation service that is part of a continuous journey is made in the province in which the continuous journey originates if the termination and all stopovers are in Canada. If the termination or a stopover is outside Canada, the passenger transportation service is made in a non-participating province.

Example 1

A person purchases a return flight from Ottawa, Ontario to Edmonton, Alberta. Both flights are made in Ontario because the continuous journey begins in Ontario and there is no termination or stopover outside Canada.

Example 2

A person purchases a return flight from Vancouver, British Columbia to Boston, U.S. Both flights are made in a non-participating province because there is a stopover outside Canada.

Passenger transportation service that is not part of a continuous journey

A passenger transportation service that is not part of a continuous journey is made in the province in which the service originates. However, if the passenger transportation service ends outside Canada, the service is made in a non-participating province.

Sales of domestic passenger transportation services to travel providers

A domestic passenger transportation service supplied to a travel provider, such as a non-resident tour operator, is zero-rated if **both** of the following conditions are met:

- the travel provider resells the domestic transportation service to an individual as part of a continuous journey (defined on the previous page) under which all transportation services are zero-rated; and
- the individual uses the transportation as part of a continuous journey under which all transportation services are zero-rated.

The supplier must get proof from the travel provider that the transportation service was resold as part of a continuous journey under which all transportation services were zero-rated. Acceptable proof includes a passenger list, a tour itinerary, and a certificate of zero-rated entitlement.

The passenger list must contain the names **and** addresses of the travellers. However, the supplier can agree that the travel provider can keep the passenger list and provide it on request.

The following certificate of zero-rated entitlement is an example of the information required.

To: _____ (name and address of registered supplier of transportation service)
We hereby certify that the following passenger transportation services that we have purchased from you, namely: _____ (detailed description of the required services the supplier will provide)
will be included in one or more continuous journeys or tour packages, and will qualify for zero-rated status under the <i>Excise Tax Act</i> . We will pay the GST/HST at the applicable rate in respect of any transportation service found to be taxable at the applicable rate during an audit of
_____ (name of registered supplier)
Dated at _____ this _____ day of _____ 20__
_____ Signature of authorized officer of recipient
_____ Name of recipient or authorized representative
_____ Title of authorized representative

The supplier must determine whether all criteria to zero-rate the transportation services in the continuous journey are met, or whether the GST/HST at the applicable rate has to be charged. If the supplier determines that a domestic passenger transportation service does not meet the zero-rating criteria, the travel provider has to pay the applicable GST/HST to the supplier.

Sometimes the sale of the domestic passenger transportation service happens before the travel provider assembles and sells the continuous journey or tour package containing the transportation services to individual travellers. In this case, the supplier can accept an interim certificate or other declaration of intent from the travel provider. The travel provider must follow up on the interim document with proof that all criteria for zero-rated status have been met.

If later it is determined that the domestic passenger transportation service does not meet the zero-rating criteria, as previously thought, the supplier has to charge and collect the GST/HST on that supply. If the supplier has already filed its return for the reporting period in which it made that supply, it has to ask that the previously filed return be amended to include the GST/HST on that supply. Interest will apply on any amount due as a result of the amendment. To ask for an amendment to a return, write to your tax services office with the details.

If you have charged tax on a domestic passenger transportation service that meets the zero-rating criteria, you can refund the amount charged as tax to the client if all the refund criteria are met.

International passenger transportation services

In many cases, passenger transportation services can be zero-rated if they are part of a continuous journey that meets certain conditions. These conditions are different depending on whether air travel is included in the continuous journey.

Continuous journey that includes air travel

A domestic passenger transportation service is zero-rated if it is provided to an individual (or group of individuals) as part of a continuous journey **that includes air travel** and any **one** of the following applies:

- the origin of the continuous journey is outside Canada but inside the taxation area. For example, if the origin of a continuous journey is in the continental United States, all passenger transportation services in that journey are zero-rated because the origin is outside Canada but inside the taxation area;
- the origin or termination of the continuous journey **or** any stopover during the continuous journey is outside the taxation area;
- the origin, termination, and all stopovers during the continuous journey are outside Canada; or
- all places where the individual or group embarks or disembarks an aircraft are outside Canada **and** the origin or termination of the continuous journey, or any stopover during that journey, is outside Canada.

For a continuous journey that includes air travel, as long as there is an overseas origin, termination, or stopover, all domestic passenger transportation services included in the continuous journey are zero-rated.

Example 1

On behalf of several air carriers, a Canadian travel agency sells a one-way air ticket departing from Montréal, Quebec, to Tokyo, Japan. The ticket includes stops in Toronto, Ontario, and Vancouver, British Columbia, for two days each.

All of the transportation services in this journey are zero-rated because they are part of a continuous journey and there is an overseas destination. The Canadian stopovers do not end the continuous journey because only one ticket was issued for all services provided.

Example 2

A person buys a return air ticket with a routing from Halifax, Nova Scotia, to Paris, France. The supply of the flight is zero-rated because the continuous journey has a stopover in France, which is outside the taxation area.

Continuous journey that does not include air travel

Generally, the GST/HST applies to trans-border day trips (without air travel) when both the origin and termination are in Canada and the traveller is not scheduled to be outside Canada for more than 24 hours. Usually these trips are referred to as round trips.

A trans-border day trip originating in a non-participating province is generally subject to the GST. Such a trip originating in a participating province is generally subject to the HST. Examples of taxable trans-border day trips taxable at the applicable rate include:

- a bus tour beginning and ending in Canada, which starts in New Brunswick and has a stop in the state of Maine (subject to the HST);
- a one-day, round-trip bus excursion from Alberta to the state of Montana (subject to the GST); and
- a one-day fall bus round-trip excursion from Montréal, Quebec, to the state of New Hampshire (subject to the GST).

However, if a passenger transportation service (other than one that is included in most trans-border day trips) is provided to an individual (or group of individuals) as part of a continuous journey **that does not include air travel**, that domestic passenger transportation service will be zero-rated if one of the following applies:

- the origin or termination of the continuous journey is outside Canada; or
- there is a stopover outside Canada.

Note

A stopover in Canada will not affect the zero-rated status of transportation services if all of those services are provided on a single ticket or voucher.

This includes transportation by bus or train between Canada and the United States. However, it does not apply when the transportation is included in a trans-border day trip, mentioned earlier in this section.

Other services provided with a transportation service

The following services, if provided by the same supplier of the passenger transportation service, will have the same tax status as that transportation service:

- a service of issuing, delivering, amending, replacing, or cancelling a ticket, voucher, or reservation for a taxable transportation service you supplied in Canada;
- a service of supervising an unaccompanied child; and
- a service of transporting an individual's baggage.

This means that if you provide one of these other services listed above with a transportation service that you also provide, the GST/HST will apply to that other service as follows:

- if the transportation service is subject to the GST, that other service is subject to the GST;
- if the transportation service is subject to the HST, that other service is subject to the HST; or
- if the transportation service is zero-rated, that other service is also zero-rated.

If the passenger transportation services in a continuous journey are zero-rated, a service of supervising an unaccompanied child will also be zero-rated if it is provided during one or more legs of the child's continuous journey.

Example

The supervision of a child on a flight from Edmonton, Alberta, to Vancouver, British Columbia, is zero-rated because it is provided with a zero-rated passenger transportation service. It forms part of the child's continuous journey from Edmonton to Tokyo, Japan. The service is zero-rated even if the carrier does not supervise the child during the leg of the journey from Vancouver to Tokyo.

If the service mentioned above is not supplied with a passenger transportation service, it has to be separately considered to determine which tax rate applies.

Sales of taxable goods and services on board conveyances in Canada

If, while providing a passenger transportation service in Canada, you sell taxable goods and services on board a conveyance during a **leg** of a journey, the supply is made in the province in which that leg of the journey begins. Therefore, if that leg begins in a non-participating province, the supply is subject to the GST. If that leg begins in a participating province, the supply is subject to the HST at the rate in effect in that province.

Note

For these purposes, a leg of a journey is considered to be the part of the journey between stops for passenger embarking or disembarking, or for fuelling or servicing the conveyance.

Example

A traveller buys an airline ticket for travel from Corner Brook, Newfoundland and Labrador, to Winnipeg, Manitoba, via Saint John, New Brunswick. The traveller buys a glass of wine on the first leg of the journey to Saint John, New Brunswick. The traveller has to pay the 13% HST on the glass of wine because that leg of the journey begins in Newfoundland and Labrador. If the traveller buys another glass of wine on the second leg of this flight, HST also applies because that leg of the journey begins in New Brunswick.

Sales of goods and services on board conveyances in international travel

For GST/HST purposes, an international flight is a flight of a commercially operated aircraft originating or terminating outside Canada. Similarly, an international voyage is a voyage of a commercially operated vessel originating or terminating outside Canada.

If you supply goods or services to the individual on the aircraft or vessel on an international flight or voyage, the supply is considered to be made outside Canada and is not subject to the GST/HST if:

- in the case of goods, physical possession of the goods is transferred to the individual on board the aircraft or vessel; and
- in the case of services, the services are wholly performed on the aircraft or vessel.

Travel agencies

Travel agencies usually act as agents for selling property and services on behalf of other businesses, such as airlines and hotels, and receive a commission for their services.

Travel agencies may also be suppliers of property and services. For example, if you are a travel agency that buys a block of airline flights and hotel rooms for resale, you are not acting as an agent. You are the supplier of those flights and rooms. If the flights and rooms are taxable (other than zero-rated), you have to charge and report the GST/HST on those sales.

What is a travel provider?

For the purposes of this guide, travel providers are travel agents, hotels, air carriers, tour operators, and cruise operators. If you buy travel products or tour packages to resell, we consider you to be a travel provider.

When do I charge tax on commissions?

If you are acting as an agent, the GST/HST applies to your commissions, unless the services you provide are zero-rated. However, if you are an independent travel agent registered for the GST/HST and you provide services to a travel agency, your services to the travel agency are subject to the GST/HST even if, on behalf of the travel agency, you make zero-rated supplies.

When are my services zero-rated?

Your service is zero-rated when you act as an agent for a person providing passenger transportation services by:

- selling a zero-rated passenger transportation service for them;
- selling a service of transporting an individual's baggage for them in connection with a zero-rated passenger transportation service;

- selling a service of supervising an unaccompanied child for them in connection with a zero-rated passenger transportation service; or
- issuing, delivering, amending, replacing, or cancelling a ticket or reservation for a zero-rated passenger transportation service on their behalf.

Also, if you are a travel agency acting as an agent for a **non-resident** person, your service is zero-rated when:

- the service relates to a sale made outside Canada by or to the non-resident; or
- the service relates to a zero-rated sale of exported goods or services to the non-resident.

Example 1

On behalf of an air carrier, a Canadian travel agency sells a passenger transportation service from Toronto, Ontario, to Paris, France. Since the transportation service is zero-rated, the commission the airline pays to the Canadian travel agency for its service is zero-rated.

Example 2

A Canadian travel agency reserves accommodation at a hotel in France for an individual. The hotel pays the travel agency a commission. Since the supply of the accommodation is made **outside** Canada, the commission the hotel pays to the Canadian travel agency is zero-rated.

Which rate of tax applies – GST or HST?

If the travel agency's service is performed in whole or in part in Canada, the service is considered to have been made in Canada and is subject to the GST/HST at the applicable rate.

For a travel agency's services in Canada, the tax that applies will depend on whether the agency's services are supplied in a participating or a non-participating province.

If the service is supplied:

- in a participating province, the supply is subject to the HST; or
- in the rest of Canada, the supply is subject to the GST.

Place of supply rules for travel agencies' services

Travel agencies usually act as agents for selling property and services on behalf of other businesses, such as airlines and hotels, and receive a commission for their services.

New place of supply rules are effective for supplies of services made in Canada after April 30, 2010. Under these rules, other than for a supply of a service in relation to real property, a supply of a service will generally be regarded as made in a province when the supplier obtains a single home or business address of the recipient in the ordinary course of its business and that address is situated in that province. When the supplier does not obtain any home or business address of the recipient in the ordinary course of its business, but obtains another single address in Canada of the recipient, that address will be used in determining the place of supply.

When, in the ordinary course of business, the supplier does not obtain an address in Canada of the recipient, the supply will be regarded as made in a participating province if the services that are performed in Canada are performed primarily in the participating provinces. The supply will be regarded as made in the participating province in which the greatest proportion of the service is performed.

In the case where the greatest proportions of the service are performed in two or more participating provinces and it cannot be determined in which participating province the greatest proportion of the service is performed, the HST will apply at the rate that is highest among those participating provinces.

A supply of a service in relation to real property that is situated in Canada and is situated primarily (more than 50%) in the participating provinces is made in the participating province in which the greatest proportion of the real property that is situated in the participating provinces is situated.

If this rule does not result in the determination of a single participating province because the real property is equally situated in two or more participating provinces, the supply of the service is made in the participating province among those provinces that has the highest rate for the provincial part of the HST. If two or more of the participating provinces in this case have the same rate for the provincial part of the HST, HST will be required to be charged by the supplier using that particular rate.

A supply of a service in relation to real property that is situated in Canada and otherwise than primarily (50% or less) in participating provinces is made in a non-participating province.

For more information on determining the place of supply when multiple addresses are obtained or services in relation to real property, see GST/HST Technical Information Bulletin B-103, *Harmonized Sales Tax – Place of supply rules for determining whether a supply is made in a province*.

Example

A travel agency in Yarmouth, Nova Scotia, acts as an agent on behalf of a hotel chain in Canada and receives commissions for booking accommodations at one of the hotel chains' hotels in Vancouver, British Columbia (BC). The agency charges 12% HST on the commission payable because the supply of the service is in relation to real property that is situated in the participating province of BC.

Collecting and reporting the GST/HST

If a travel agency is the supplier of travel products, the travel agency has to charge, collect, and report the GST/HST on the travel products (unless they are zero-rated).

When a travel agency is **not** the supplier of the travel products, but instead acts as an agent for another person who is the supplier, the travel agency only has to charge, collect, and report the GST/HST on the commission it charges (unless the supplies are zero-rated). The supplier of

the travel products is responsible for charging, collecting, and reporting the GST/HST on the supply of the travel products (unless they are zero-rated). Although the supplier of the products is responsible for charging and accounting for the GST/HST, the travel agency may invoice and collect the tax from the purchaser and pass it on to the supplier.

Example

A travel agency in Manitoba, acting as agent for an air carrier, sells two domestic airline tickets for \$1,400 (\$700 each) for travel from Winnipeg, Manitoba, to Calgary, Alberta. The agency collects the total purchase price for the tickets plus the GST from the purchaser (customer) for the air carrier.

The agency forwards this amount, minus its commission and the GST on that commission, to the air carrier. The agency's commission is 8.25% of the selling price of the ticket, not including the GST.

Sample invoice by travel agency	
Airline tickets (2 × \$700)	\$1,400.00
GST (\$1,400 × 5%)	<u>70.00</u>
Amount paid by customer	<u>\$1,470.00</u>
Commission: \$1,400 × 8.25% =	\$115.50
GST: \$115.50 × 5% =	<u>5.78</u>
Subtotal:	<u>\$121.28</u> <u>(121.28)</u>
Amount due to air carrier:	<u>\$1,348.72</u>

The travel agency includes the \$5.78 GST it charged the air carrier on its commission on **line 103** of its GST/HST return.

The air carrier includes the \$70 GST that the customer paid on the airline ticket on **line 103** of its GST/HST return. It can also claim \$5.78 as an ITC for the GST it paid on the travel agency's commission on **line 106** of its GST/HST return.

Tour packages

What is a tour package?

As in any transaction, it is important to properly characterize what is being supplied in order to determine how the GST/HST applies to that transaction. For example, when a registrant combines two or more services or property and services together, the registrant must determine whether it is making one supply or multiple supplies and must characterize that supply or those supplies accordingly.

A tour package is a combination of two or more services or of property and services that includes transportation services, accommodation, a right to use a campground or trailer park, or guide or interpreter services when the property and services are supplied together for an all-inclusive price. A tour package is a single supply for GST/HST purposes. Generally, a tour package is a

combination of various components to create something new.

However, all combinations of two or more services, or of property and services, are not necessarily tour packages. Every combination that includes elements such as transportation services or accommodation may not be a tour package for GST/HST purposes. The nature and purpose of the package being sold has to be considered in order to determine whether it is a tour package or something else. For example, if the overall purpose of a package is to provide a specialized service (such as wellness packages, educational or counselling packages, children's overnight camps, sports tournaments, or concert tours), it is not considered to be a tour package for GST/HST purposes.

As illustrated in the following examples, the meaning of tour package could result in a combination of two or more services, or of property and services, being considered a tour package for GST/HST purposes even though the package may not fit the common perception of a tour package. However, the reverse is also possible. That is, something that may appear to be a tour package may not be a tour package for GST/HST purposes.

Example 1

A registrant in Calgary, Alberta, sold a package to Japanese tourists. The package includes a meal in a restaurant, a ticket to a sports event, and the services of an interpreter. The property and services were sold together for an all-inclusive price. Although this package may not fit the common perception of a tour package, it is a tour package for GST/HST purposes.

Example 2

A business in Vancouver, British Columbia, sold an all-inclusive package to international students. This package included instruction in English as a second language, books, accommodation, three meals per day, and recreational activities. This supply is an exempt service of instructing individuals in English as a second language. It is not a tour package.

How does the GST/HST apply to tour packages?

To determine the amount of the GST/HST you have to charge when you sell a tour package, you begin by identifying the tax rate(s) that would have applied to each element of that tour package if you had sold each element separately and not as part of a tour package. To do this, for each element, you have to determine in which province the supply is made.

Domestic tour packages

Same rate of tax

When you sell an entirely Canadian tour and all of the parts of the tour package would have been taxable at the same rate if these elements had been supplied separately and not as part of a tour package, you charge that rate on the total selling price of the tour package. You can claim an input tax

credit (ITC) for the GST/HST paid or payable on property and services you bought and included in the tour package.

Example

A registrant tour operator assembles round-trip airfare, hotel accommodation, and a bus excursion into a domestic tour package. All of these elements, if supplied separately and not as part of a tour package would have been taxed at 5% (GST). The tour operator adds a 20% mark-up to the cost (not including the GST) of the elements in the package.

Tour operator's purchases	
3 double hotel rooms in Saskatoon	\$600.00
6 airline tickets	2,100.00
6 bus tickets – excursion	<u>200.00</u>
Subtotal	\$2,900.00
GST (\$2,900 × 5%)	<u>145.00</u>
Tour operator pays	<u>\$3,045.00</u>
Tour operator's charges	
Cost after claiming ITC of \$145	\$2,900.00
20% mark-up (\$2,900 × 20%)	<u>580.00</u>
Subtotal	\$3,480.00
GST (\$3,480 × 5%)	<u>174.00</u>
Customer pays	<u>\$3,654.00</u>

The tour operator reports \$174.00 as GST collected on **line 103** of its GST/HST return. It can claim the \$145 of GST it incurred to assemble the tour package as an ITC on **line 106** of its GST/HST return.

Combined rates of tax

When you sell an entirely Canadian tour package and elements of the package would have been taxable at different rates if they had been supplied separately and not as part of a tour package, you have to consider each element separately to determine the total tax payable on the tour package. To do this, for each element, you have to consider the place of supply rules to determine in which province the supply is made.

Example

A registered tour operator sold a 10-day package that included a return flight from Edmonton, Alberta to Halifax, Nova Scotia, and hotel accommodation in Halifax. The GST would have applied to the air transportation part of the package if the operator had supplied the air transportation separately because the flight originates in a non-participating province. The HST would have applied at the rate of 15% to the hotel accommodation if the operator had supplied it separately because the accommodation is supplied in the participating province of Nova Scotia. The tour operator has a 20% profit margin.

Component	Cost	Profit margin (20%)	Selling price
Round-trip airfare	\$600	\$120	\$720
Hotel	<u>\$900</u>	<u>\$180</u>	<u>\$1,080</u>
Total	\$1,500	\$300	\$1,800

The GST taxable portion of the tour package is 40% of the total cost to the tour operator ($\$600 \div \$1,500 = 40\%$). Therefore, the GST applies to 40% of the tour package selling price. The HST taxable portion of the tour package is 60% of the total cost to the tour operator ($\$900 \div \$1,500 = 60\%$). Therefore, the HST applies to 60% of the tour package selling price.

Therefore, the tax to be paid on the selling price of the tour package is as follows:

Total selling price	\$1,800.00
GST ($\$1,800 \times 40\% \times 5\%$)	36.00
HST ($\$1,800 \times 60\% \times 15\%$)	<u>162.00</u>
Customer pays	<u>\$1,998.00</u>

Tour packages combining supplies that are taxable, exempt, and made outside of Canada

When you sell a tour package that includes elements that are taxable at different rates, exempt, or are supplied outside of Canada, you have to determine the tax status of each element separately (as if you were selling each element separately and not as part of a tour package). The cost of the taxable elements of the tour package then has to be prorated as a percentage of the total cost of the tour package so that you can determine the total tax payable on the selling price of the tour package.

The **taxable portions** of a tour package are the portions of the tour package that would be subject to the GST/HST at 5%, 12%, 13%, or 15% (taxable elements) if you had supplied the element separately. To calculate the taxable portions, determine in which province each element is supplied. Then, add up the elements that are subject to the same tax rate and divide each result by the total cost of property and services included in the package.

The **non-taxable portion** of a tour package includes elements that, if supplied separately from the tour package, would be zero-rated, supplied outside Canada, or exempt.

Example

A registered tour operator sold a package that included a flight from Winnipeg, Manitoba, to Orlando, Florida, hotel accommodation in Orlando, and a sightseeing excursion in Orlando. The airfare element represents the taxable portion of the package on which the GST is charged.

The non-taxable portion includes the hotel accommodation and the sightseeing excursion in Orlando as they would have been supplied outside Canada if they had been supplied separately and not part of the tour package.

Tour operator's purchases	
Round-trip flight from Winnipeg to Orlando (taxable at 5%)	\$550.00
Accommodation and sightseeing (non-taxable)	<u>300.00</u>
Subtotal	\$850.00
GST paid to suppliers ($\$550 \times 5\%$)	<u>27.50</u>
Tour operator pays	<u>\$877.50</u>
Tour operator's cost after ITC of \$27.50	\$850.00
Tour operator's mark-up ($\$850 \times 20\%$)	<u>170.00</u>
Subtotal (selling price before GST)	<u>\$1,020.00</u>
Taxable part:	
Cost of taxable services ÷ total cost	
$\$550 \div \$850 = 65\%$	
Subtotal: $\$1,020 \times 65\% = \663	
GST on tour ($\$663 \times 5\%$)	<u>\$33.15</u>
Customer pays	<u>\$1,053.15</u>

If some elements in the taxable portions of a tour package would have been taxed at 5% if supplied separately and not as part of the package, and some would have been taxed at different HST rates, you have to determine the percentage of the taxable portions subject to each rate of tax.

Usually, a tour operator continues to use the same percentages for each tax rate to determine the amount of tax to charge (even if a discount is offered) whenever it sells the tour package.

If the tour operator sells the tour package to another registrant tour operator, the other operator has to charge the GST/HST using the same percentage for each tax rate when it resells the tour package. The other tour operator applies these percentages to its selling price for the tour package to determine how much tax it charges. If the tour operator changes the tour package by adding or deleting elements, it is likely a new tour package and the tour operator has to recalculate the percentages. For more information, contact us.

Change in tour package

If there is a significant change in the cost of acquiring the elements included in the package, you may have to recalculate the taxable portions and the non-taxable portions before calculating the GST/HST to be charged on the tour package. For more information, contact us.

You have to keep records to show how you calculated the taxable portions of tour packages and the percentages. It is your responsibility to make sure any travel agency acting on your behalf collects the correct amount of GST/HST from your customer.

Foreign tour packages

Tour operators do not charge the GST/HST on exclusively foreign tour packages. For example, a tour operator does not charge a traveller the GST/HST on a tour package that includes hotel accommodation and bus excursions in Scotland. The accommodation and excursions in Scotland are not subject to tax because they are supplied outside Canada.

Also, if airfare from Canada to Scotland is included with the accommodation and excursion in Scotland, the airfare is zero-rated and the tour operators do not charge tax.

Non-resident rebate for eligible tour packages

A rebate of the GST/HST may be available to:

- a non-resident tour operator that purchased and resold an eligible tour package or that purchased short-term or camping accommodation in Canada and resold it in an eligible tour package; or
- a non-resident business, organization, or consumer that purchased an eligible tour package if the short-term or camping accommodation in Canada included in the package was made available to a non-resident individual.

What is an eligible tour package for this rebate?

An eligible tour package is a tour package that is sold for an all-inclusive price and includes:

- short-term or camping accommodation in Canada; and
- at least one service.

Note

Packages that include a convention facility or related convention supplies are not tour packages for this rebate. However, a non-resident sponsor or non-registered organizer of a foreign convention may qualify for a rebate. For more information, see "Foreign conventions" on page 28.

What qualifies as short-term or camping accommodation?

For this rebate, short-term accommodation means the rental of a residential unit or residential complex in Canada as a place of residence or lodging for an individual who will occupy it continuously for a period of **less than one month** and for which the GST/HST is payable. It includes any type of overnight shelter (except those noted below) supplied as part of a tour package that also includes food and the services of a guide.

For example, overnight or week-long accommodation in any of the following would usually be considered short-term accommodation:

- hotels and motels;
- resorts and lodges; and
- bed-and-breakfast establishments.

Short-term accommodation **does not include**:

- shelter on a train, trailer, boat, or other structure that is, or could be self-propelled (for example, cruise-ship cabins, train berths, houseboats, travel trailers, and all recreational vehicles);
- a residential unit supplied under a timeshare arrangement;
- accommodation outside Canada; or
- accommodation that costs \$20 or less each day.

Camping accommodation means a campsite at a campground or recreational trailer park in Canada that is rented continuously as a place of lodging for periods of **less than one month** to the same individual. It includes water, electricity, and waste disposal services, if provided with the campsite and accessed by an outlet or hook-up .at the campsite.

What qualifies as a service?

A service means anything **other than** property, money, and anything that is supplied to an employer by an employee in the course of employment. Some examples include:

- guide or interpreter services;
- transportation services;
- sightseeing excursions; and
- ski lessons.

The following **do not qualify** as services because they are property:

- short-term accommodation;
- meals;
- a right to enter or attend an event, such as tickets to a show or a hockey game;
- car rentals;
- ski rentals;
- ski lift tickets;

- admission to a golf course; and
- a right to enter a park (park passes).

What is an all-inclusive price?

Generally, an all-inclusive price means one price for all property and services sold together in a package. However, in the tourism industry, sometimes prices for certain property or services are listed on an invoice for information purposes. We would accept that such packages are sold for an all-inclusive price. For example, the price of accommodation included in a tour package may be listed separately on an invoice to inform the purchaser of the amount on which the applicable provincial sales tax is calculated. This package is considered to be sold for an all-inclusive price.

Examples of eligible tour packages

The following are examples of packages that **are** eligible tour packages for this rebate.

Example 1

A package includes round-trip air transportation, hotel accommodation in Canada, guided sightseeing tours, and meals. The package is sold for an all-inclusive price.

This package **is** an eligible tour package for the rebate because it is a tour package and it includes both short-term accommodation in Canada and a service (both the air transportation and the sightseeing tours are services) sold for an all-inclusive price.

Example 2

A package includes accommodation at a bed and breakfast in Canada, bus transportation to and from an outlet shopping centre in a neighbouring city, and attendance at a festival. The package is sold for an all-inclusive price.

This package **is** an eligible tour package for the rebate because it is a tour package and it includes short-term accommodation in Canada and a service (intercity bus transportation) sold for an all-inclusive price.

Example 3

A buyer asks that an advertised package be altered to add theatre tickets and a car rental. The advertised package included hotel accommodation in Canada and round-trip air transportation. The altered package is sold for an all-inclusive price.

This package **is** an eligible tour package for the rebate because it is a tour package and it includes short-term accommodation in Canada and a service (air transportation) and the package is sold for an all-inclusive price.

Example 4

A tour operator offers customized packages to buyers. The tour operator offers short-term accommodation in Canada, meals, air transportation, and admission ticket options. The buyers build their own package by choosing one of each option. The package is sold for an all-inclusive price.

This package **is** an eligible tour package for the rebate because it is a tour package and it includes short-term accommodation in Canada and a service (air transportation) for an all-inclusive price.

Examples of non-eligible tour packages

The following are examples of packages that are **not** eligible for this rebate.

Example 1

A package includes short-term accommodation in Canada, meals, and admission to a heritage site sold for an all-inclusive price.

This package **is not** an eligible tour package for the rebate. Although the package includes short-term accommodation in Canada, it does not include a service (meals and the admission are both property).

Example 2

A hotel in Canada provides short-term accommodation and a shuttle to and from a nearby casino. The shuttle is included in the **room price**.

This **is not** an eligible tour package for the rebate because the shuttle is part of the accommodation. Therefore, this is accommodation only.

Example 3

A stay at an all-inclusive resort in Canada is sold. The price includes accommodation at the resort, meals at the resort, access to the resort swimming pool, access to the resort tennis court, and a spa service at the resort spa.

This **is not** an eligible tour package for the rebate because, in the case of an all-inclusive resort, items such as the meals, complimentary access to the swimming pool and tennis court, and complimentary service at the resort spa are amenities that are part of the accommodation. Therefore, this is accommodation only.

For more information, see Info Sheet GI-044, *Foreign Convention and Tour Incentive Program – Tour Packages: What Is an Eligible Tour Package*.

Rebate for non-resident tour operators

Who is a tour operator?

Generally, a tour operator is a person who packages, (in the ordinary course of business), tours that are ultimately sold to, or are for the use of, either a group of travellers or an individual traveller. An outfitter or an owner of a lodge, hotel, or motel may be a tour operator if the person packages tours for sale in the ordinary course of a business.

Note

Travel agencies are not tour operators for this rebate when they sell tour packages for a tour operator. Travel agencies would be tour operators if they package and sell tours on their own. A person that sells packages that include a convention facility or related convention supplies is also not a tour operator for this rebate.

When is a rebate available to non-resident tour operators?

A non-resident tour operator that is **not** registered for the GST/HST may be eligible for a rebate if:

- it purchased an eligible tour package and resold it; or
- it purchased short-term or camping accommodation in Canada and resold it in an eligible tour package.

To qualify for the rebate, the tour operator must meet **all** of the following conditions:

- It made the purchase(s) in the ordinary course of its business of selling tour packages.
- It sold the eligible tour package(s) to another non-resident person(s).
- The accommodation included in the eligible tour package(s) was made available to a non-resident individual(s).
- It received payment for its resale of the eligible tour package(s) outside Canada at its place of business, or the place of business of its agent. To determine if this condition is met, we consider where the payment is processed and deposited.
- It is a non-resident of Canada at the time the rebate application is filed.
- The total of all taxable elements (other than zero-rated) included in the tour package is at least \$200.
- If the tour operator claims the rebate amount by filing the rebate form:
 - its application is filed within one year after the last day any tax to which the rebate relates became payable. Generally, the day the tax became payable is the day the tax was paid or the date of the invoice, whichever comes first; and
 - it provides the necessary documents to prove it is eligible for the rebate.

Note

A tour operator cannot claim a rebate for short-term or camping accommodation if it separately provides the accommodation to another business or to an individual (that is, if the accommodation is not resold as part of an eligible tour package).

Rebate for non-resident businesses, organizations, and consumers

When is a rebate available?

If you are not a tour operator, a rebate for up to 50% of the GST/HST paid on the purchase of an eligible tour package may be available if you are:

- a non-resident consumer visiting Canada; or
- a non-resident business or organization that is not registered for the GST/HST that purchased the eligible tour package and does not resell it as part of a business of selling tour packages. For example, this would include a business that purchased a tour package for use by an employee or a client.

To qualify, the non-resident must meet **all** of the following conditions:

- The non-resident is not registered for the GST/HST.
- The accommodation included in the eligible tour package was made available to a non-resident individual.
- The non-resident **did not** purchase the eligible tour package to resell in the ordinary course of a business of selling tour packages.
- The person is a non-resident of Canada at the time the rebate application is filed.
- The total of all taxable elements (other than zero-rated) included in the tour package is at least \$200.
- If the non-resident claims the rebate amount by filing the rebate form:
 - its application is filed within one year after the last day any tax to which the rebate relates became payable. Generally, the day the tax became payable is the day the tax was paid or the date of the invoice, whichever comes first; and
 - it provides the necessary documents to prove it is eligible for the rebate.

How to claim a rebate for an eligible tour package

Non-residents can use Form GST115, *GST/HST Rebate Application for Tour Packages*, to claim the rebate or you, as the supplier, may be able to pay or credit them with the rebate amount. For more information, see “Paying or crediting the rebate amount” below.

For more information, see Booklet RC4160, *Rebate for Tour Packages, Foreign Conventions, and Non-Resident Exhibitor Purchases*.

Paying or crediting the rebate amount Non-resident tour operators

A non-resident tour operator that is not registered for the GST/HST can file Form GST115 or you, as the supplier, can choose to pay or credit the tour operator with a rebate amount.

If you decide to pay or credit a rebate amount to the tour operator, make sure that the tour operator meets all of the eligibility conditions listed in “When is a rebate available to non-resident tour operators?” on this page.

Note

Suppliers cannot pay or credit the rebate amount for short-term or camping accommodation they provide separate from an eligible tour package.

Supporting documentation

You should get the following information to confirm that you can pay or credit a rebate amount to a tour operator:

- the name of the tour operator;
- confirmation that the tour operator is a non-resident and is not registered for the GST/HST;

- confirmation that the tour operator supplies the eligible tour package in the ordinary course of its business to another non-resident(s);
- confirmation that the tour operator received payment for its supply of the tour package at its business address, or its agent's address, outside of Canada; and
- confirmation that the accommodation included in the tour package was made available to a non-resident individual(s).

You do not have to forward this information to us. However, you should keep it in case we ask to see it.

Your invoices have to show that you charged the tax and paid or credited a rebate amount to the non-resident.

Non-resident businesses, organizations, and consumers

You can choose to pay or credit the non-resident business, organization, or consumer with the rebate amount if they meet all of the eligibility conditions (listed in the previous section) for claiming a rebate, and **one** of the following applies:

- the non-resident pays for the eligible tour package at a place outside Canada where you or your agent normally conduct business; or
- the non-resident pays a deposit of at least 20% of the total price of the tour package at least 14 days before the first day any accommodation included in the eligible tour package is made available to the non-resident.

Note

The deposit can be made by credit card, cheque, bank draft, or any other bill of exchange, but must be drawn on an account of an institution outside Canada. Debit cards from an institution outside Canada are also acceptable. When a credit card is used, the day your account is credited by your customer's credit card company is the day the deposit is made.

If you pay or credit the rebate amount, the non-resident cannot apply to us for a rebate of that amount.

Your invoices have to show that you charged the tax and paid or credited the rebate amount to the non-resident.

How do I pay or credit a rebate amount for an eligible tour package?

The rebate amount you can pay or credit for an eligible tour package is generally equal to 50% of the GST/HST paid on the package. However, the rebate amount is reduced if any of the nights of accommodation provided in Canada as part of the tour package are ineligible accommodation, such as overnight shelter on a train or a boat. The reduced rebate amount is calculated as follows:

Step 1

$$A \div B$$

where

A is the number of nights of short-term or camping accommodation in Canada included in the tour package; and

B is the total number of nights in Canada included in the tour package, including ineligible accommodation.

Step 2

Your result from Step 1 \times 50% \times GST/HST paid.

Reporting requirements

If you are a supplier who paid or credited the rebate amount to a non-resident, you can claim a deduction equal to the rebate amount you paid or credited on **line 107** of a GST/HST return that is filed within one year after the day the tax became payable or the day the rebate was paid or credited.

In addition, you have to file Form GST106, *Information on Claims Paid or Credited for Foreign Conventions and Tour Packages*. You can include the amount on **line 107** in any GST/HST return that is filed **within one year** of the following date, whichever is later:

- the day the tax became payable; or
- the day the rebate was paid or credited.

Examples where a supplier pays or credits the rebate amount

The following is an example where a rebate amount is prorated.

Example

On January 16, 2010, you sold 15 tour packages to a non-resident, non-registered tour operator for an all-inclusive price of CAN\$1,000 for each tour package. Each package includes the following items, taxable at 5% GST:

- hotel accommodation (five nights in Alberta); and
- train transportation (two nights are spent on the train).

The tour operator meets all of the eligibility conditions for the rebate and confirms that it has resold the eligible tour packages to non-residents.

You choose to credit a rebate amount to the tour operator. You credit the rebate amount as follows:

Selling price	(\$1,000 \times 15 persons)	\$15,000.00
GST	(\$15,000 \times 5%)	<u>750.00</u>
Subtotal		\$15,750.00
Minus credit		
for rebate amount	*5/7 \times (50% \times \$750)	<u>(267.86)</u>
Amount the tour operator pays you		<u>\$15,482.14</u>
* Only the five nights in the hotel are eligible short-term accommodation. The two nights on the train do not qualify as short-term accommodation.		

You include the \$750 GST as the GST/HST collectible on **line 103** of your GST/HST return. You then include the \$267.86 amount that you credited to the tour operator as a deduction on **line 107** of your GST/HST return.

You can include the amount on **line 107** of any GST/HST return that is filed **within one year** of the following date, whichever is later:

- the day the tax became payable; or
- the day the rebate was paid or credited.

You also have to file Form GST106 by the due date of your GST/HST return on which you claim the deduction on **line 107**. For more information, see Form GST106.

The following example illustrates how you credit a rebate amount to a non-resident consumer.

Example

On May 25, 2010, you sold an eligible tour package to a non-resident consumer for an all-inclusive price of CAN\$2,000. All elements of the tour package are subject to the HST at 13%.

The package included:

- four nights on a cruise ship; and
- six nights' accommodation at a resort.

The non-resident consumer paid you a deposit of 25% of the price of the tour package one month before the first night of accommodation is made available to the non-resident. You choose to credit the rebate amount to the non-resident.

You credit the rebate amount as follows:

Selling price		\$2,000
HST	(\$2,000 × 13%)	<u>260</u>
Subtotal		\$2,260
Less deposit	(\$2,000 × 25%)	(500)
Minus credit for HST	*6/10 × (50% × \$260)	<u>(78)</u>
Amount owing		\$1,682
Total amount the non-resident pays you		<u>\$2,182</u>
* Only the six nights in the resort are short-term accommodation. The four nights on the cruise ship do not qualify as short-term accommodation. This means that the rebate amount will be less than 50% of the tax paid on the package.		

You include the \$260 HST as the GST/HST collectible on **line 103** of your GST/HST return. You then include the \$78 amount that you credited to the non-resident as a deduction on **line 107** of your GST/HST return.

You can include the amount on **line 107** of any GST/HST return that is filed **within one year** of whichever of the following dates is later:

- the day the tax became payable; or
- the day the rebate was paid or credited.

You also have to file Form GST106 by the due date of your GST/HST return on which you claim the deduction on **line 107**. For more information, see Form GST106.

Joint liability

If we determine that the non-resident was not entitled to a rebate, or that the amount paid or credited was more than the amount of the rebate amount the non-resident was entitled to, and you knew or ought to have known this, you and the non-resident are jointly liable to pay us any amount owing. Otherwise, only the non-resident is liable to pay us any amount owing.

Are you completing and filing a rebate application for a non-resident?

If you enter into an agreement with a non-resident to complete and file their rebate application for them, this is a separate, private arrangement between you and the non-resident.

Such an arrangement does not change the information that has to be provided to the Canada Revenue Agency (CRA) to support the rebate claim. In addition, a power of attorney must be attached to the rebate claim. When a non-resident authorizes you to act as its attorney, you and the non-resident must decide how the rebate amount will be paid to the non-resident.

This arrangement is not the same as paying or crediting the non-resident with the rebate amount.

Supporting documentation

If you enter into such an agreement, the non-resident has to:

- provide you with all of the documents required to validate the rebate claim. You must send these documents to us with the rebate application. (for the documents that are required, see the back of Form GST115); and
- authorize you to file the rebate application for the non-resident by giving you power of attorney.

We cannot accept and act on a power of attorney unless it contains all of the following:

- a statement that you, the authorized person, are not affiliated with the Government of Canada or the CRA;
- complete and upfront disclosure of any fees you charge the non-resident to act on the non-resident's behalf;

- a statement that the non-resident authorizes you to act on the non-resident's behalf;
- a statement that the power of attorney is for a rebate of the GST/HST under the Foreign Convention and Tour Incentive Program;
- the non-resident's name, address, telephone number, email address, if there is one, and their signature; and
- your name, address, telephone and fax numbers, and email address, if there is one.

Regardless of how the non-resident structures its business arrangement with you, the CRA mails the cheque payable to the non-resident to the address on Form GST115. The address on Form GST115 can be the non-resident's address outside Canada or your address in Canada.

Conventions

A convention is a formal meeting or assembly that is not open to the general public.

A convention **does not** include a meeting or assembly the main purpose of which is to:

- provide any type of amusement, entertainment, or recreation;
- conduct contests or games of chance; or
- conduct the business of the convenor or attendees either in the course of a trade show that is open to the general public or other than in the course of a trade show.

Note

A convention may be either a domestic or a foreign convention. For more information, see:

- "Domestic conventions" on the next page; and
- "Foreign conventions" on page 28.

Example 1

A society of professionals holds its annual general meeting at a hotel in Canada and also delivers information sessions to the attendees. The event is only open to members of the society.

This **is** a convention because the formal meeting and the assemblies are not open to the general public and none of the exclusions in the definition of convention apply.

Example 2

An environmental association holds a trade show at a convention centre in Canada. Exhibitors set up booths to promote the sale of their products and services. The event is open to the general public.

This **is not** a convention because the trade show does not meet the definition of convention.

Example 3

An amateur athletic association holds try-out sessions at a gymnasium in Canada to determine whether athletes qualify to participate in an international competition. The event is only open to the participating athletes.

This **is not** a convention because the main purpose of the sessions is to conduct contests.

The following are definitions of terms we use for conventions:

Convention facility is any real property that is acquired by way of lease, licence, or similar arrangement by the sponsor or organizer of a convention for use exclusively as the site for the convention.

Exclusively, for the purposes of related convention supplies, means property or services used all or substantially all (90% or more) in connection with a convention.

Exhibitor, means a person that rents exhibition space exclusively for use as a site for the promotion at a convention of the property or services provided by the exhibitor or its business.

Organizer of a convention means the person that acquires the convention facility or related convention supplies and organizes the convention for the sponsor.

Sponsor of a convention means the person who convenes the convention and supplies admissions to it. This is sometimes referred to as the host of the convention. A person that supports a convention through financial or other sponsorship of the event is not a sponsor for GST/HST purposes.

What is a related convention supply?

Related convention supplies are property or services bought exclusively for consumption, use, or supply in connection with a convention. They do not include any property or services that are provided for a separate charge, except if they are acquired exclusively to be consumed or used by an exhibitor in promoting its business, services, or property at the convention.

The following are examples of possible related convention supplies.

Accommodation

- hotel accommodation for use by the convention sponsor, organizer, or exhibitor, or supplied to attendees as part of the admission

Audio-visual

- audio, audio-visual, and video services, including equipment and labour associated with the technical services

Business equipment

- computers, photocopiers, desks, and chairs

Convention materials

- banners, flags, signs, papers, shields, floral arrangements, decorations, backdrops, and office supplies

Convention show services

- equipment, furnishings, and labour to install such items as carpeting, tables, chairs, exhibit booths, decorative plants, draping, banners, displays, and signs

Destination management services

- local planning, management, and co-ordination services in organizing elements of the convention for the incoming organization

Food, beverages, and catering services (limited to 50% of the GST/HST paid)

- food, beverages, and catering services related to the convention, including any gratuities charged

Note

Food, beverages, and catering services, including any gratuities charged, are not related convention supplies when supplied to exhibitors.

Memorabilia

- lapel buttons, billfolds, key chains, pens, pencils, corsages, T-shirts, scarves, mugs, jewellery, badges, and similar promotional items

Moving and storage services

- labour and equipment to deliver exhibit materials to the assigned space, including the storage of crates during the convention

On-site services

- personnel for on-site work such as the staffing of the registration desk, photographic services, and security services

Printed matter

- identification badges;
- information bulletins, on-site newsletters, booklets, programs, and memoranda relating to a convention or to products displayed at a convention

Professional services

- customs brokerage, legal, accounting, and freight forwarders' services

Simultaneous interpretation equipment

- simultaneous interpretation and audio-related equipment and labour

Speakers and educational seminars

- facilitators and course materials

Telecommunications

- telephone, fax, video, audio, or computer link-ups

Translators and interpreters

- individuals who translate and interpret the languages being used

Transportation services

- chartered group transportation services used solely to transport attendees of the convention between any of the

convention facilities, places of lodging for the attendees, or the transportation terminals (for example, airport shuttle services)

The following property and services are **not** related convention supplies:

- transportation services (other than the chartered transportation services described above);
- entertainment such as city tours; and
- goods, intangible property, or services provided to the attendees of the convention for a separate charge from the admission fee, such as souvenirs, books, and videos sold during the convention.

Domestic conventions

A domestic convention is a convention held in Canada that is not a foreign convention (see "Foreign conventions" on the next page).

Is GST/HST registration required?

Sponsors

If you are a **resident** sponsor of a domestic convention, you may be able to, or you may have to, register for the GST/HST.

If you are a **non-resident** sponsor of a domestic convention and are not already registered for the GST/HST, you have to register for the GST/HST before you make supplies of admission to the convention.

For more information, see "Should you register?" on page 8.

Organizers

If you are a resident or non-resident organizer of a domestic convention, you may be able to, or you may have to register for the GST/HST. For more information, see "Should you register?" on page 8.

Exhibitors

If you are an exhibitor at a domestic convention and you are **resident** in Canada, you may be able to, or you may have to, register for the GST/HST. For more information, see "Should you register?" on page 8.

If you are a non-registered, **non-resident** exhibitor who is in Canada only to promote your products or services at a convention, you do not have to register for and charge the GST/HST on any **orders** taken from attendees during the convention. However, if you bring products to the convention to sell to attendees, you may be considered to be carrying on business in Canada and may have to register. For more information, see Guide RC4027, *Doing Business in Canada – GST/HST Information for Non-Residents*.

Note

A rebate may be available to non-resident, non-registered exhibitors for the GST/HST paid on related convention supplies (other than food or

beverages) and on the lease of space at the convention site. For more information, see “Rebate for non-resident exhibitors” on page 31.

Charging tax for domestic conventions

This section gives information on how the GST/HST applies to the following supplies for domestic conventions:

- convention facilities;
- admissions;
- related convention supplies; and
- exhibition space.

Convention facilities

If you are the operator of a convention facility and a GST/HST registrant, you have to charge the GST/HST when you lease out space. This applies whether you are leasing to a resident or a non-resident of Canada.

Admissions

If you are a registrant, you have to charge the GST/HST on the admission you charge the attendees of a domestic convention.

Exception

If you are a **sponsor** of a domestic convention and you sell an admission to a **non-resident** attendee, you only have to charge the GST/HST on part of the admission.

To calculate the part of the admission that **is not** subject to the GST/HST, first add up the costs of acquiring the convention facility and related convention supplies (for food, beverages, or items provided under a contract for catering, include only **50%** of the cost in your calculation).

Divide this result by your total convention costs. The result is the percentage of the admission that **is not** subject to the GST/HST when sold to a non-resident. The remainder is subject to the GST/HST when sold to a non-resident.

Example

You are a sponsor of a domestic convention to be held in Halifax, Nova Scotia, in December 2010 and you are registered for the GST/HST. You start selling admissions in July 2010. You will charge \$100 for each admission to the convention. You expect both resident and non-resident attendees.

You have to charge the HST because the convention is in a participating province.

You have to charge tax on the admissions as follows:

- On admissions you sell to **residents**, charge the HST on the full admission.
- On admissions you sell to **non-residents**, charge the HST on part of the admission.

For the admissions sold to non-residents, you need to calculate what part of the admission is subject to the HST. Start by calculating what part of the admission **is not**

subject to the HST. Your total convention expenses were \$300,000, of which \$210,000 was for acquiring the convention facility and related convention supplies.

You calculate the percentage of the admission that **is not** taxable as follows:

$$\$210,000 \div \$300,000 = 70\%$$

Therefore, 70% of the admission you charge to non-resident attendees **is not** subject to the HST. This means that 30% (100% – 70%) of the admission you sell to non-residents **is** subject to the HST.

You will only charge non-residents the HST on \$30 of the admission (30% of the \$100 admission charge).

Canadian residents		Non-residents	
Admission	\$100	Admission	\$100.00
HST (\$100 × 15%)	<u>15</u>	HST (\$30 × 15%)	<u>4.50</u>
Total	<u>\$115</u>	Total	<u>\$104.50</u>

Related convention supplies

You have to charge the GST/HST if you are a registrant and you provide related convention supplies to a sponsor, organizer, or exhibitor at a domestic convention.

Exception

If you are the **sponsor** of a domestic convention, do not charge the GST/HST on related convention supplies you provide to **non-resident** exhibitors at the convention if you also lease exhibition space to the exhibitor.

For more information, see “What is a related convention supply?” on page 26.

Exhibition space

If you are a registrant, you have to charge the GST/HST when you lease exhibition space to an exhibitor at the convention.

Exception

If you are the **sponsor** of a domestic convention, do not charge the GST/HST on the lease of exhibition space to **non-resident** exhibitors at the convention who will use the space exclusively as a site to promote their business, services, or property.

Foreign conventions

A foreign convention is a convention held in Canada where:

- at the time the sponsor of the convention determines the amount to be charged for the admissions, it is reasonably expected that at least 75% of the admissions will be provided to **non-residents** of Canada (to determine the percentage of non-resident attendees, see the next page); and

- the sponsor of the convention is an organization whose head office is situated outside Canada or, if the organization has no head office, the member or the majority of members having management and control of the organization are non-residents.

To determine the percentage of admissions reasonably expected to be provided to non-resident attendees, you can use the percentage of non-resident attendees:

- who attended previous conventions;
- who are usually invited to attend the convention; or
- who are listed as members of the organization.

You can also use any other reasonable method.

If a convention is a foreign convention because it is reasonably expected that at least 75% of the total of the admissions will be supplied to non-residents, and it is later discovered that less than 75% of the admissions were supplied to non-residents, the convention would still be considered a foreign convention.

Is GST/HST registration required?

Sponsors

If you are a sponsor of a **foreign convention**, you **cannot** register for the GST/HST if your **only** commercial activity in Canada is making sales of admissions or related convention supplies or leasing exhibition space at a foreign convention.

However, if you sell books, posters, education material, or other items at the foreign convention, you may be able to, or you may have to register for the GST/HST. For more information, see “Should you register?” on page 8. For information on carrying on business in Canada and GST/HST registration for non-residents, see Guide RC4027, *Doing Business in Canada – GST/HST Information for Non-Residents*.

Are you already registered for the GST/HST?

If you are the sponsor of a foreign convention and you are already registered for the GST/HST, your activities related to the foreign convention are not part of your commercial activities.

This means that you do not charge the GST/HST on supplies related to the foreign convention (such as supplies of admissions, related convention supplies, and exhibition space). You also cannot claim ITCs for the GST/HST you pay on purchases related to the foreign convention. However, you may be able to apply for a rebate. For more information, see “Rebate for foreign conventions” on the next page.

Organizers

If you are a resident or non-resident organizer of a foreign convention, you may be able to, or you may have to register for the GST/HST. For more information, see “Should you register?” on page 8.

Exhibitors

If you are an exhibitor at a foreign convention and you are **resident** in Canada, you may be able to, or you may have to register for the GST/HST. For more information, see “Should you register?” on page 8.

If you are a non-registered, **non-resident** exhibitor who is in Canada only to promote your products or services at a foreign convention, you do not have to register for and charge the GST/HST on any **orders** taken from attendees during the convention. However, if you bring products to the convention to sell to attendees, you may be considered to be carrying on business in Canada and you may have to register. For more information, see Guide RC4027.

Note

A rebate may be available to non-resident non-registered exhibitors for the GST/HST paid on related convention supplies (other than food or beverages) and on the lease of space at the convention site. For more information, see “Rebate for non-resident exhibitors” on page 31.

Charging tax for foreign conventions

This section gives information on how the GST/HST applies to the following supplies for foreign conventions:

- convention facilities;
- admissions;
- related convention supplies; and
- exhibition space.

Convention facilities

If you are a GST/HST registrant, you have to charge the GST/HST when you lease out space. This applies whether you are leasing to a resident or a non-resident of Canada.

Admissions

If you are a sponsor of a foreign convention, do not charge the GST/HST on admissions sold to residents and non-residents, even if you are registered for the GST/HST.

Related convention supplies

If you are a registrant, you have to charge the GST/HST on related convention supplies.

Exception

If you are a **sponsor** of a foreign convention, do not charge the GST/HST on related convention supplies you provide to exhibitors at the convention.

For more information, see “What is a related convention supply?” on page 26.

Exhibition space

If you are a GST/HST registrant, you have to charge the GST/HST on exhibition space you lease to exhibitors at a foreign convention.

Exception

If you are a **sponsor** of a foreign convention, do not charge the GST/HST on the lease of exhibition space to exhibitors at the convention who will use the space exclusively as a site to promote their business, services, or property.

Rebate for foreign conventions

Who can claim a rebate?

A rebate may be available for:

- sponsors of foreign conventions; and
- organizers of foreign conventions who are not registered for the GST/HST.

Note

A rebate may also be available to non-resident exhibitors. For more information, see “Rebate for non-resident exhibitors” on the next page.

What expenses are eligible for the rebate?

A sponsor and a non-registered organizer of a foreign convention can claim a rebate for:

- the tax paid for the convention facilities and related convention supplies **that are not** food, beverages, or items purchased under a contract for catering; and
- 50% of the tax paid for food, beverages, or items purchased under a contract for catering.

For more information, see “What is a related convention supply?” on page 26.

Can I pay or credit a rebate amount?

A sponsor or non-registered organizer of a foreign convention can apply for the rebate by sending us a completed Form GST386, *Rebate Application for Conventions*, or, if you are the supplier of the convention facility or related convention supplies, you may be able to pay or credit a rebate amount to the sponsor or organizer.

Only the following suppliers can pay or credit a rebate amount:

- a registrant organizer can pay or credit a rebate amount to a sponsor;
- a registrant operator of convention facilities that is not the organizer of the convention can pay or credit a rebate amount to a sponsor or non-registered organizer; or
- a registrant supplier of accommodation (for example, a hotel) that is not the organizer of the convention can pay or credit a rebate amount to a sponsor or non-registered organizer if the accommodation is acquired exclusively for supply in connection with a foreign convention.

In any other case, the sponsor or organizer of the convention has to send us Form GST386 to apply for its rebate.

Note

If you pay or credit a rebate amount on the supplies, the sponsor or non-registered organizer cannot apply to us for a rebate of that amount.

Documentary evidence

When you pay or credit a rebate amount, the sponsor or non-registered organizer must provide you with documentation showing it is entitled to the rebate. This could include a convention agenda, itinerary or event program, complete hotel folios, copies of invoices, and receipts or other documents that confirm that the event was a foreign convention.

Joint liability

If we determine that the sponsor or non-registered organizer was not entitled to a rebate, or that the amount paid or credited was more than the amount of the rebate the non-resident was entitled to, and you knew or ought to have known this, you and the non-resident are jointly liable to pay us any amount owing. Otherwise, only the non-resident is liable to pay us any amount owing.

How to pay or credit a rebate amount

If you choose to pay or credit a rebate amount, you still have to charge the full amount of the tax due on the convention facility or related convention supplies. You have to show the full amount of the tax payable by the sponsor or non-registered organizer on the invoice and also show the rebate amount you paid or credited.

Note

The rebate amount you can pay or credit is the same as the amount that the sponsor or non-registered organizer would have received if it had paid the tax and filed a rebate claim with us.

Include the full amount of the GST/HST collected or collectible from the sponsor or organizer on **line 103** of your GST/HST return. Then include the amount that you paid or credited on **line 107** of your GST/HST return. You can include the amount on **line 107** of any GST/HST return that is filed **within one year** of whichever of the following dates is **later**:

- the day the tax became payable; or
- the day the rebate was paid or credited.

You also have to file Form GST106, *Information on Claims paid or credited for Foreign Conventions and Tour Packages*, by the due date of your GST/HST return for the period in which you claim the deduction on **line 107**. For more information, see Form GST106.

Example

You are the organizer of a foreign convention held in Toronto, Ontario, and you are registered for the GST/HST. You invoice the non-resident sponsor of the convention for the following services:

- meals and catering;
- meeting rooms and convention material; and
- exhibit decorations.

Item	Charge	HST	HST rebate
Meals and catering*	\$10,000	\$1,300	\$650
Meeting rooms	5,000	650	650
Convention materials	10,000	1,300	1,300
Exhibit decorations	<u>5,000</u>	<u>650</u>	<u>650</u>
Total	<u>\$30,000</u>	<u>\$3,900</u>	<u>\$3,250</u>

* A rebate is only available for 50% of the GST/HST paid for food, beverages, or items supplied under a catering contract.

Net amount payable by sponsor

Invoice total	\$30,000
Total HST	<u>3,900</u>
Subtotal	\$33,900
Less rebate amount credited	<u>(3,250)</u>
Net amount sponsor pays	<u>\$30,650</u>

Note

Your invoices have to show that you credited a rebate amount to the sponsor.

As the organizer, you include the \$3,900 HST as the GST/HST collected or collectible on **line 103** of your GST/HST return. You include the \$3,250 amount you credited as a deduction on **line 107** of your GST/HST return. You can claim the deduction on **line 107** of any GST/HST return that is filed **within one year** of whichever of the following dates is **later**:

- the day any tax related to the rebate became payable; or
- the day the amount was paid or credited.

You also have to file Form GST106 by the due date of your GST/HST return for the period in which you claim the deduction on **line 107**.

For more information, see Booklet RC4160, *Rebate for Tour Packages, Foreign Conventions, and Non-Resident Exhibitor Purchases*.

Rebate for non-resident exhibitors

Non-registered, non-resident exhibitors who rented or leased exhibition space exclusively to promote their business or products can claim a rebate for the GST/HST paid on the following, if rented or purchased from a GST/HST registrant that is not the sponsor:

- related convention supplies, **except for** food, beverages, or items purchased under a contract for catering (see “What is a related convention supply?” on page 26); and
- exhibition space.

Suppliers cannot pay or credit the rebate amount to non-resident exhibitors. Non-resident exhibitors have to send us a completed Form GST386, *Rebate Application for Conventions*, within one year after the last day of the convention to claim their rebate.

Note

Non-resident exhibitors have to pay the GST/HST on exhibition space and related convention supplies rented or purchased from a registrant that is not the sponsor.

Non-resident exhibitors **do not** pay the GST/HST on exhibition space or related convention supplies rented or purchased from the **sponsor** of the convention (whether foreign or domestic). A non-resident exhibitor that has paid tax **in error** on these items can ask a sponsor for a refund or credit of the amount. If the sponsor does not provide a refund or credit, the exhibitor can claim a rebate for tax paid in error. For more information, see Guide RC4033, *General Application for GST/HST Rebates*.

For more information

Contact us if, after reading this guide, you would like to get forms or publications, or you need more help.

To get forms or publications, go to www.cra.gc.ca/gsthstpub or call 1-800-959-2221.

For more information, go to www.cra.gc.ca/gsthst or call 1-800-959-5525.

Teletypewriter (TTY) users

TTY users can call 1-800-665-0354 for bilingual assistance during regular business hours.

Direct deposit



Direct deposit is a safe, convenient, dependable, and time-saving method of receiving your GST/HST refunds and rebates. If you are expecting refunds or rebates when you file your GST/HST returns or rebate applications, you can send us a completed Form GST469, *Direct Deposit Request*. To get Form GST469, go to www.cra.gc.ca/dd-bus or call 1-800-959-2221.

GST/HST rulings and interpretations

You can request a ruling or interpretation on how the GST/HST applies to a specific transaction for your operations. This service is provided free of charge. For more information, see GST/HST Memorandum 1.4, *Excise and GST/HST Rulings and Interpretations Service*, available at www.cra.gc.ca/gsthstrulings or call 1-800-959-8287.

My Business Account

Access your business accounts online through My Business Account. With the wide range of services offered, you can:

- view your account balances and transactions;
- transfer payments;
- get additional remittance vouchers;
- calculate a future balance;
- calculate your instalment payments;
- make online requests for financial transactions;
- authorize your employees and representatives to have immediate online access;

- file a GST/HST return electronically;
- view the status of a return;
- view certain correspondence (for example, notices and letters); and
- view your banking information.

To use My Business Account, you need a user ID and password. To register for these secure online services or to check for new services, go to www.cra.gc.ca/mybusinessaccount.

My Payment

My Payment is a payment option that allows individuals and businesses to make payments online, using the Canada Revenue Agency's Web site, from an account at a participating Canadian financial institution. For more information on this self-service option, go to www.cra.gc.ca/mypayment.

Our service complaint process

If you are not satisfied with the **service** you have received, contact the Canada Revenue Agency (CRA) employee you have been dealing with (or call the phone number you have been given). If you still disagree with the way your concerns are being addressed, ask to discuss your matter with the employee's supervisor.

If the matter is still not resolved, you have the right to file a service complaint by completing Form RC193, *Service-Related Complaint*. If you are still not satisfied with the way the CRA has handled your complaint, you can contact the Taxpayers' Ombudsman.

For more information, go to www.cra.gc.ca/complaints or see Booklet RC4420, *Information on CRA-Service Complaints*.

Your opinion counts

If you have any comments or suggestions that could help us improve our publications, we would like to hear from you. Please send your comments to:



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Canada Revenue Agency
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Ottawa ON K1A 0L5