

SHIMMERMAN PENN LLP

2022 UNDERUSED HOUSING TAX (“UHT”) CHECKLIST

This UHT checklist is intended to aid clients with determining their obligation to file and/or pay tax under the Underused Housing Tax Act, and help with collecting the information required to prepare the necessary filings where applicable. Where Shimmerman Penn LLP’s assistance is required with the UHT, we request that all relevant sections of this form be completed and returned to our office along with supporting documents. In situations with multiple owners on legal title of a property and/or multiple residential properties owned, a separate checklist should be completed for each owner and/or residential property owned.

NOTE: THIS CHECKLIST SHOULD BE USED BY INDIVIDUALS AND CORPORATIONS FOR CANADIAN RESIDENTIAL PROPERTIES HELD (INCLUDING PROPERTIES HELD AS A PARTNER IN A PARTNERSHIP OR TRUSTEE IN A TRUST, OR BARE TRUST AND/OR NOMINEE CORPORATIONS) THAT ARE REGISTERED OWNERS WITH LEGAL TITLE TO RESIDENTIAL PROPERTY LOCATED IN CANADA (the property “Owner”).

Name of the owner on legal title (Individual / corporation) for which this checklist is completed:

1) Requirement to File UHT Return

Please answer the following questions regarding the owner listed above:

A) Did the owner own one or more **residential property**(ies) located in Canada on December 31, 2022? (Yes / No) (# of Canadian residential properties owned)

If “Yes” please answer question “B” below. If “No” there is no filing or tax obligation for UHT (the remainder of the checklist is not required to be completed).

(Note: Residential property is generally a detached or similar building that contains not more than three dwelling units containing private kitchen, bath, and living area, or a semi-detached house, rowhouse unit, residential condominium unit or other similar premises)

B) Is the owner an Individual that is a Canadian citizen or a permanent resident of Canada?
(Yes / No)

If “No” a UHT return is required to be filed and tax may be owing. Please proceed to complete the next section (“Property Information”). If “Yes” the Individual does not have a filing or tax obligation for UHT (the remainder of the checklist is not required to be completed).

(If the owner is an individual that is not a Canadian citizen or a permanent resident of Canada, please provide the owner’s country of citizenship)

2) Property Information

Please provide details regarding the Canadian residential property(ies) owned *(If more than one Canadian residential property is owned, complete a separate form for each property):*

Physical Address: _____

Type of Residential Property (please choose one):

Detached House Duplex Triplex Semi-detached House
Townhouse or Rowhouse Unit Residential Condominium Unit

Property ID in land registration system (attach land registration deed): _____

Type of Ownership (please choose one):

Sole Joint Tenancy (# of owners _____) Tenants in Common (% owned _____)

For any other owner of the property having an interest in the property of 10% or more, please provide their Name and Ownership percentage in the additional information or comments section below.

Acquisition Year: _____

Property Tax or Assessment Roll Number (attach property tax assessment/bill): _____

Most recent property tax assessed value of the property: _____

Most recent sale price of the Property (on or before Dec 31, 2022): _____

Please indicate any additional information or comments regarding the property for consideration:

3) Exemptions from the Tax Liability

There are a number of possible exemptions that may be claimed in the UHT filing to eliminate the UHT tax liability.

Please indicate one or more of the following exemptions that apply. **Note: Only one exemption listed below is required to exempt the tax liability.**

Y/N	Criteria
Exemptions based on type of owner	
	The owner of the property is one of the following: 1) A corporation registered in Canada where more than 90% of voting power and/or share value are held by Canadian corporations, citizens, or permanent residents. 2) A partner of a partnership whose members are all either: a) Corporations described in (1) above. b) Canadian citizens or permanent residents of Canada who only own Canadian residential property through one or more partnerships. 3) A trustee of a trust whose beneficiaries are all either: a) Corporations described in (1) above. b) Canadian citizens or permanent residents.

	The owner acquired the property in 2022 and had not been an owner of the property in the previous nine years.
	The owner died during 2022 or 2021.
	The personal representative of an owner that died during 2022 or 2021
	The owner was a part-owner of the property with an individual who died in 2022 or 2021, and that other individual's ownership percentage at time of death was at least 25%.
Exemptions based on the availability of the residential property	
	Construction of the property was not substantially (90%) completed before April 2022.
	Construction was substantially completed before April 2022 and the property was offered for sale but was not occupied as a place of residence before the end of 2022.
	The residence is not suitable for year-round use as a place of residence. <i>(Please specify below)</i>
	The residence is seasonally inaccessible because public access is not maintained year-round.
	The residence was uninhabitable for at least 60 consecutive days in 2022 due to disaster or hazardous conditions beyond your reasonable control. <i>(Note this exemption is only available for maximum 2 years for the same condition)</i> Date became uninhabitable _____ Date became habitable again (if applicable) _____
	The residence was uninhabitable for at least 120 consecutive days in 2022 due to renovations. <i>(Note this exemption is only available once every 10 years)</i> Date became uninhabitable _____ Date became habitable again (if applicable) _____
Exemption based on the location and use of the residential property	
	The property is a vacation property in an "eligible area" as defined by the CRA . (Please refer to CRA's online UHT vacation property designation tool https://apps.cra-arc.gc.ca/ebci/sres/ext/pub/ntrUhtExpnTI?request_locale=en_CA to confirm whether the property qualifies for this exemption) (Note: must be occupied by your, or your spouse or common law partner for at least 28 days during the calendar year)
Exemptions based on the occupant of the residential property	
	For owners that are individuals, the residential property is the primary place of residence for any one or a combination of the following: i) The owner. ii) The owner's spouse or common-law partner. iii) The owner's child who is pursuing post-secondary studies. <i>Note: Where multiple residential properties are owned, only one property can be designated as the owner's and/or their spouse's primary place of residence to qualify for this exemption.</i>
	During the calendar year, the property was not a primary place of residence but was occupied for at least 180 days (at least one month continuously at a time) by any one or a combination of the following: A) An unrelated tenant, under a written agreement. (# of days _____) B) A related tenant, under a written agreement, who is charged fair market rent. (# of days _____)

- C) For owners that are individuals, the owner, or the owner's parent, spouse, or common-law partner if the purpose is for that person to pursue work under a Canadian work permit. (# of days)
- D) For owners that are individuals, the owner's spouse, common-law partner, parent, or child who is a Canadian citizen or a permanent resident of Canada (# of days)

Please provide the total number of days the property was occupied on a continuous basis of at least one month during the calendar year

If applicable, please provide any details relating to your eligibility for one of the above exemptions: