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Tax Alert – Canada

Ontario budget 2019-20

EY Tax Alerts cover significant tax news, developments and changes in legislation that affect Canadian businesses. They act as technical summaries to keep you on top of the latest tax issues. For more information, please contact your EY advisor or EY Law advisor.

“[The budget] builds on the progress our government has made over the past nine months to deliver on our five core commitments...to put more money in people’s pockets, create and protect jobs, restore accountability and trust in government, clean up the hydro mess, and cut hospital wait times and end hallway health care.”

“We are mapping out a reasonable and responsible path to balance. We are proud to say that we will achieve a balanced budget by 2023-24, while protecting what matters most to Ontario individuals, families, and businesses.”

*Ontario Finance Minister Victor Fedeli
2019-20 budget speech*

On 11 April 2019, Ontario Finance Minister Victor Fedeli tabled the province’s fiscal 2019-20 budget. The budget contains tax measures affecting individuals and corporations. The budget contains no new taxes and no tax increases.

As set out in Table A, the minister anticipates a deficit of \$11.736 billion for 2018-19, and projects deficits for each of the next 4 years, with a return to balance in 2023-24.



Table A: Projections of Ontario budgetary deficit

	2018-19 (\$ billions)	2019-20 (\$ billions)	2020-21 (\$billions)	2021-22 (\$billions)
Revenue outlook	150.8	154.2	159.8	163.7
Program expense outlook	(150.0)	(150.1)	(151.9)	(153.8)
	0.8	4.1	7.9	9.9
Interest on debt	(12.5)	(13.3)	(13.7)	(14.4)
Reserve	(0.0)	(1.0)	(1.0)	(1.0)
Surplus/(Deficit)	(11.7)	(10.3)	(6.8)	(5.6)
Accumulated deficit	220.8	230.0	235.8	240.4

Numbers may not add due to rounding.

Following is a brief summary of the key tax measures.

Business tax measures

Corporate tax rates

No changes are proposed to the corporate tax rates or the \$500,000 small business limit.

Ontario's 2019 corporate tax rates are summarized in Table B.

Table B: Ontario corporate tax rates 2019

	2019	
	ON	Federal and ON combined
Small-business tax rate* **	3.50%	12.50%
General manufacturing and processing tax rate	10.00%	25.00%
General corporate tax rate	11.50%	26.50%

* The small-business rate is based on a 31 December year-end.

** The federal small-business rate was reduced from 10.00% to 9.00% effective 1 January 2019.

Other business tax measures

The minister proposed the following business tax measures:

- ▶ **Cultural media tax credit certification** – Ontario currently offers five refundable income tax credits for the cultural media sector: the Ontario film and television tax credit, the Ontario production services tax credit, the Ontario computer animation and special effects tax credit, the Ontario interactive digital media tax credit (OIDMTC), and the Ontario book publishing tax credit. The government announced that it will review the cultural media tax credit certification process in an effort to streamline administration, reduce the tax credit application backlog, and reduce wait times for tax credit certification.
- ▶ **Ontario interactive digital media tax credit** – The OIDMTC offers four streams for different types of products and companies, including a specialized digital game corporation stream, for purposes of eligibility for this credit. Currently, a company must spend a minimum of \$1 million on Ontario labour expenditures for eligible digital games in its taxation year to qualify as a specialized digital game corporation. Ontario is proposing to reduce the labour expenditure threshold from \$1 million to \$500,000. This measure would take effect for taxation years commencing after 11 April 2019.
- ▶ **Ontario job creation investment incentive** – Ontario is paralleling the federal temporary immediate write-off measures in respect of manufacturing and processing machinery and equipment and specified clean energy equipment, and the temporary accelerated investment incentive in respect of most other capital investments. These measures were first announced in the federal government's 2018 fall economic statement and are now included in federal Bill C-97. For further details, see EY Tax Alert 2019 Issue no. 15.

Personal tax

Personal income tax rates

The budget does not include any changes to personal income tax rates.

The 2019 Ontario personal tax rates are summarized in Table C.

Table C: Ontario personal tax rates 2019

First bracket rate	Second bracket rate	Third bracket rate	Fourth bracket rate	Fifth bracket rate
\$0 to \$43,906	\$43,907 to \$87,813	\$87,814 to \$150,000	\$150,001 to \$220,000	Above \$220,000
5.05%	9.15%	11.16%	12.16%	13.16%

- ▶ In addition, there is a 20% surtax on basic Ontario tax between \$4,741 and \$6,067, and a 56% surtax on basic Ontario tax in excess of \$6,067.
- ▶ Individuals resident in Ontario on 31 December 2019 with taxable income in excess of \$20,000 pay the Ontario Health Premium (OHP). The OHP is not included in the rates above.
- ▶ Individuals resident in Ontario on 31 December 2019 with taxable income up to \$15,414 pay no provincial tax as a result of a low-income tax reduction. The reduction is clawed back for taxable income over \$15,414, resulting in an additional 5.05% of provincial tax on income between \$15,415 and \$20,245.

For taxable income in excess of \$150,000, the 2019 combined federal-Ontario personal income tax rates are outlined in Table D.

Table D: Combined federal and Ontario personal tax rates 2019

Bracket	Ordinary income*	Eligible dividends	Non-eligible dividends
\$150,001 to \$210,371	47.97%	31.67%	41.00%
\$210,372 to \$220,000	51.97%	37.19%	45.60%
Above \$220,000	53.53%	39.34%	47.40%

**The rate on capital gains is one-half the ordinary income tax rate.*

- ▶ There is a 20% surtax on basic Ontario tax between \$4,741 and \$6,067, and a 56% surtax on basic Ontario tax in excess of \$6,067 included in the above rates.
- ▶ Individuals resident in Ontario on 31 December 2019 with taxable income in excess of \$20,000 pay the Ontario Health Premium (OHP). The OHP is not included in the rates above.

Personal tax credits

This budget proposes to introduce the following new credit:

Ontario childcare access and relief from expenses (CARE) tax credit - Ontario is proposing to introduce a new refundable credit, the CARE credit, for low- and moderate-income families. The CARE credit will take effect for 2019 and later taxation years. Eligible families will receive a credit up to a maximum of 75% of eligible child care expenses, providing a maximum credit each year of \$6,000 per child under the age of 7, \$3,750 per child between the ages of 7 and 16, and \$8,250 for each child with a severe disability. The CARE credit will be available in addition to the current child care expense deduction. For purposes of the CARE credit,

“eligible child care expenses” is defined as the taxpayer’s total entitlement under the child care expense deduction.

The applicable credit rate will be determined by the amount of family income (as determined for purposes of the child care expense deduction). The maximum rate of 75% will apply where family income does not exceed \$20,000. This rate will decline to the extent family income exceeds \$20,000 and the CARE credit will be phased out completely when family income exceeds \$150,000. Details of the calculation of the CARE credit rate with examples are set out in Table E:

Table E: Ontario CARE credit rate calculation and examples

CARE Tax Credit Rate Calculation		Examples	
Family Income	Rate Calculation	Family Income	Ontario CARE Tax Credit Rate (Per Cent)
Up to \$20,000	75%	\$10,000	75
Greater than \$20,000 and up to \$40,000	75% minus 2p.p. for each \$2,500 (or part thereof) above \$20,000	\$25,500	69
Greater than \$40,000 and up to \$60,000	59% minus 2p.p. for each \$5,000 (or part thereof) above \$40,000	\$45,500	55
Greater than \$60,000 and up to \$150,000	51% minus 2p.p. for each \$3,600 (or part thereof) above \$60,000	\$95,000	31
Greater than \$150,000	0%	\$150,000	0

“p.p.” indicates percentage points

For example, in the 2019 taxation year, Jennifer’s income is \$50,000 and her husband Neal’s income is \$45,000. In 2019, they incurred \$9,600 in child care expenses in respect of their two-year-old child. Neal, the lower-income earning spouse, is entitled to claim a child care expense deduction of \$8,000 in respect of their expenses.¹ Based on their family income of \$95,000, Neal may claim a CARE credit of \$2,480, equal to the \$8,000 entitlement under the child care expense deduction multiplied by the applicable rate of 31% for that level of family income.

For each of the 2019 and 2020 taxation years, the CARE credit will be claimed on the taxpayer’s income tax return (generally, on the lower income-earning spouse’s or partner’s return, as per the child care expense deduction). As of the 2021 taxation year, families will have the option to either apply for regular advance payments throughout the year or receive a single payment upon filing their tax returns after the year ends.

¹ Under the child care expense deduction legislation, the deduction is equal to the lesser of \$8,000 for a child under the age of 7, 2/3 of the lower income-earning spouse or partner’s earnings, and actual expenses incurred.

Estate administration tax - Currently, estate administration tax does not apply if the value of an estate is \$1,000 or less. Ontario is proposing to increase this exemption to the first \$50,000 of the value of an estate, effective for estate certificates requested on or after 1 January 2020. This would eliminate the current lower rate of tax of \$5 for every \$1,000, or part thereof, of the value of an estate on the first \$50,000. The estate administration tax will be \$15 for every \$1,000, or part thereof, of the value of the estate exceeding \$50,000 (i.e., what is now the upper rate of tax).

In addition, Ontario announced that it intends to extend the deadline for filing an Estate Administration Tax Information Return with the ministry of finance from 90 days to 180 days after an estate certificate is issued, and the deadline for filing an amended return from 30 days to 60 days.

Other tax measures

Cannabis tax – Ontario intends to introduce the *Cannabis Taxation Coordination Act, 2019*, which would ratify Ontario's Coordinated Cannabis Taxation Agreement.

Carbon tax – Ontario restated its intention to challenge the imposition of the federal carbon tax in court. As well, the province proposes to introduce the *Federal Carbon Tax Transparency Act*, which would require consumers to be informed of the impact of the federal carbon tax on gasoline prices at the point of sale.

Tobacco tax – Ontario announced proposed amendments to raw leaf tobacco provisions in the *Tobacco Tax Act* would establish new penalty and offence provisions relating to the:

- ▶ Use of new track and trace bale markers issued by the Ministry of Finance
- ▶ Failure to notify the minister of the destruction of raw leaf tobacco

Additional tobacco tax amendments would:

- ▶ Remove “baling and packaging” from the definition of producing tobacco and require any raw leaf tobacco certificate to permit baling and packaging
- ▶ Clarify provisions relating to permits

Gasoline tax – Ontario announced that the *Gasoline Tax Act* will be amended to clarify that the Act authorizes the prescribing of requirements for on-reserve retailers in the gasoline tax refund process on sales to First Nations consumers.

Other technical amendments

Ontario will propose amendments to various statutes administered by the Ministry of Finance in an effort to improve administrative effectiveness and enforcement, and maintain the integrity of Ontario's tax and revenue collection system. No further details were provided.

Recently enacted tax measures

The 2019 budget summarized the following measures announced in the Ontario 2018 fall economic statement:

- ▶ Introduction of the non-refundable low-income individuals and families tax (LIFT) credit, effective for 2019 and later taxation years. The LIFT credit provides a maximum credit of \$850 for a single individual and \$1,700 for couples if certain conditions are met (e.g., the individual must have employment income).
- ▶ Amendments to ensure that Ontario does not parallel the federal measure that phases out the \$500,000 small business deduction for a Canadian-controlled private corporation (and any associated corporations) earning between \$50,000 and \$150,000 of passive investment income in the previous taxation year.
- ▶ Extension of certain tax relief measures to encourage private sector development in the Ontario electricity distribution sector, such as reducing transfer tax rates and exempting capital gains arising under the payments in lieu of taxes (PILs) deemed disposition rules. These measures, which were scheduled to expire on 31 December 2018, have been extended to 31 December 2022. The 2019 budget announced that to help electricity rate reduction initiatives, Ontario will use any transfer tax collected for electricity rate relief.
- ▶ Providing a property tax exemption for Ontario branches of the Royal Canadian Legion.

Tax evasion and avoidance

- ▶ In an effort to address tax loopholes and reduce tax evasion, Ontario has created a specialized unit of tax experts who are working with federal and provincial tax officials.

Learn more

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