1970

c 415 Retail Sales Tax Act

Ontario

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CHAPTER 415

The Retail Sales Tax Act

1. In this Act,

1. “admission” includes entry to a place of amusement where any charge is made or fee is collected before or after entry; 1968-69, c. 113, s. 1 (1).

2. “consumer” or “user” means a person who,
   (a) utilizes or intends to utilize in Ontario tangible personal property or a taxable service for his own consumption or for the consumption of any other person at his expense, or
   (b) utilizes or intends to utilize in Ontario tangible personal property or a taxable service on behalf of or as the agent for a principal who desired or desires to so utilize such property or taxable service for consumption by the principal or by any person at the expense of the principal; 1960-61, c. 91, s. 1, par. 3; 1970, c. 6, s. 1 (1, 2).

3. “consumption” includes the use, and the incorporation into any structure, building or fixture, of tangible personal property including that manufactured by the consumer or further processed or otherwise improved by him; 1960-61, c. 91, s. 1, par. 4.

4. “fair value” includes,
   (a) the price for which the tangible personal property or the taxable service was purchased, including the value in terms of Canadian money of services rendered and things exchanged and other considerations accepted by the vendor or person from whom the tangible personal property passed or taxable services were rendered as the price or on account of the price of the tangible personal property purchased or taxable service received,
   (b) the cost of or charges for customs, excise and transportation, whether or not such are shown separately in the books of the vendor or on an invoice,
   (c) the cost of installation where the contract under which the property is acquired provides for the acquisition of the property and its installation for one consideration, and
(d) the cost, including materials, labour and manufacturing overhead, of tangible personal property produced by the vendor or person for his own consumption or use; 1960-61, c. 91, s. 1, par. 5; 1964, c. 104, s. 1 (1); 1968-69, c. 113, s. 1 (3).

5. "Minister" means the Minister of Revenue; 1968-69, c. 113, s. 1 (4).

6. "person", in addition to its meaning in The Interpretation Act, includes Her Majesty in right of Ontario, a municipal corporation, including a metropolitan or regional municipal corporation, or a local board thereof, as defined in The Department of Municipal Affairs Act, and any board, commission or authority established under any Act of the Legislature; 1968-69, c. 113, s. 1 (5), part.

7. "place of amusement" means a premises or place, whether enclosed or not, where a cinematograph or moving picture machine or similar apparatus is operated, or where a theatrical performance, carnival, circus, side show, menagerie, concert, rodeo, exhibition, horse race, athletic contest or other performance is staged or held or where facilities for dancing are provided to the public with the service of liquor, beer or wine and to which admission is granted upon payment of a price of admission through the sale of tickets or otherwise; 1968-69, c. 113, s. 1 (5), part; 1970, c. 6, s. 1 (3).

8. "price of admission" includes every charge made to or fee collected from a purchaser by a vendor before or after admission to a place of amusement; 1968-69, c. 113, s. 1 (5), part.

9. "purchaser" means a consumer or person who acquires tangible personal property anywhere, or who acquires or receives a taxable service at a sale in Ontario, for his own consumption or use, or for the consumption or use in Ontario of other persons at his expense, or on behalf of or as agent for a principal who desires to acquire such property or service for consumption or use in Ontario by such principal or other persons at his expense, and includes a person who purchases admission for himself to a place of amusement, and a person for whom admission to a place of amusement is purchased by another person; 1968-69, c. 113, s. 1 (6), amended.

10. "registered consumer" means a person who brings or imports into Ontario tangible personal property for his own use or consumption that has a fair value exceeding
$100 in each of two months or more during a calendar year and who holds a valid consumer’s permit; 1964, c. 104, s. 1 (2).

11. “regulations” means the regulations made under this Act;

12. “retail sale” means a sale to a purchaser for the purpose of consumption or use and not for resale; 1960-61, c. 91, s. 1, pars. 9, 10.

13. “sale” means,

(a) any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, including a sale on credit or where the price is payable by instalments, or any other contract whereby at a price or other consideration a person delivers to another person tangible personal property or renders to another person a taxable service,

(b) the production, fabrication, processing, printing or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production, fabrication, processing, printing or imprinting,

(c) the furnishing and distribution of tangible personal property for a consideration by social clubs or fraternal organizations to their members or others,

(d) the furnishing, preparation or service for a consideration of food, meals or drinks,

(e) a transaction whereby the possession of tangible personal property is transferred but the vendor retains the title as security for payment of the price,

(f) a transfer for a consideration of the title to or possession of tangible personal property that has been produced, fabricated, printed or imprinted to the order of the purchaser;

(g) the production, fabrication, processing, printing or imprinting of tangible personal property or the production of a taxable service by a person for his own consumption or use when that person furnishes either directly or indirectly the materials and labour used in such production, fabrication, processing, printing or imprinting; 1960-61, c. 91, s. 1, par. 11; 1962-63, c. 127, s. 1 (2); 1968-69, c. 113, s. 1 (7); 1970, c. 6, s. 1 (4).

14. “storage” includes any keeping or retention in Ontario for any purpose except retail sale or subsequent use outside Ontario of tangible personal property purchased
from a vendor, but does not include the keeping, retaining or exercising of any right or power over tangible personal property shipped or brought into Ontario for the purpose of transporting it subsequently outside Ontario or for the purpose of being processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property to be transported outside Ontario and thereafter used solely outside Ontario; 1960-61, c. 91, s. 1, par. 12.

15. “tangible personal property” means property that can be seen, weighed, measured, felt or touched, or that is in any way perceptible to the senses, and includes natural gas and manufactured gas; 1968-69, c. 113, s. 1 (8), amended.

16. “tax” includes all penalties and interest that are or may be added to a tax under this Act; 1960-61, c. 91, s. 1, par. 14.

17. “taxable service” means,
   
   (a) telephone services, including long distance calls;
   
   (b) telegraph services; or
   
   (c) transient accommodation. 1968-69, c. 113, s. 1 (9), amended.

18. “transient accommodation” means the provision of lodging in hotels, motels, hostels, apartment houses, lodging houses, boarding houses, clubs and other similar accommodation, whether or not a membership is required for the lodging, but does not include lodging let for a continuous period of one month or more or lodging in a lodging house, rooming house, or boarding house, if such house has accommodation for fewer than four tenants; 1968-69, c. 113, s. 1 (10), amended.

19. “use” includes storage and the exercise of any right or power over tangible personal property incidental to the ownership of that property, but it does not include the sale of that property at a retail sale or the keeping, retaining or exercising of any right or power over tangible personal property shipped or brought into Ontario for the purpose of transporting it subsequently outside Ontario for use thereafter solely outside Ontario or for the purpose of being processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property to be transported outside Ontario and thereafter used solely outside Ontario; 1960-61, c. 91, s. 1, par. 17.

20. “vendor” means a person who, in the ordinary course of his business,
   
   (a) sells tangible personal property;
(b) sells or renders a taxable service; or
(c) operates a place of amusement. 1968-69, c. 113, s. 1 (11).

2.—(1) Every purchaser of tangible personal property, except the classes thereof referred to in subsection 2, shall pay to Her Majesty in right of Ontario a tax in respect of the consumption or use thereof, computed at the rate of 5 per cent of the fair value thereof.

(2) Every purchaser of the following classes of tangible personal property shall pay to Her Majesty in right of Ontario a tax in respect of the consumption or use thereof computed at the rate of 10 per cent of the fair value thereof:

1. liquor, beer or wine;
2. prepared meals sold at a price of over $2.50.

(3) Every purchaser of a taxable service shall pay to Her Majesty in right of Ontario a tax in respect thereof computed at the rate of 5 per cent of the fair value thereof.

(4) Every purchaser of admission to a place of amusement shall pay to Her Majesty in right of Ontario a tax on the price of admission as follows:

<table>
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<tr>
<th>PRICE OF ADMISSION</th>
<th>TAX</th>
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<tr>
<td>More than 75 cents and not more than 84 cents</td>
<td>— 6 cents</td>
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<tr>
<td>&quot; &quot; &quot; 84 &quot; &quot; &quot; &quot; &quot; &quot; 90 &quot; &quot; &quot; &quot; 92 &quot; &quot;</td>
<td>— 7 &quot;</td>
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and where the price of admission is more than 92 cents, a tax at the rate of 10 per cent, calculated upon the price of admission. 1968-69, c. 113, s. 2 (1).

(5) A purchaser shall pay the tax imposed by this Act at the time of the sale. 1968-69, c. 113, s. 2 (2).

(6) Where the Minister deems it necessary or advisable, he may determine the fair value of any such property for the purposes of taxation under this Act, and thereupon the fair value of such property for such purpose shall be as so determined by him. 1960-61, c. 91, s. 2 (4); 1968-69, c. 113, s. 2 (3).

(7) If a person sells any tangible personal property at a retail sale in Ontario to a person who alleges that he is not purchasing it for consumption or use in Ontario, he shall nevertheless require such person to pay the tax, but such payment shall be refunded by the Treasurer of Ontario on receipt of satisfactory evidence that the tax was wrongfully paid. 1960-61, c. 91, s. 2 (6); 1965, c. 117, s. 1 (1); 1968-69, c. 113, s. 2 (5).
(8) Where a person has paid an amount under this Act as tax that is not payable as tax under this Act, the Treasurer of Ontario may refund such amount upon receipt of satisfactory evidence that the amount was wrongfully paid. 1968-69, c. 113, s. 2 (6).

(9) Every person who brings into Ontario or who receives delivery in Ontario of tangible personal property acquired by him for value for his own consumption or use, or for the consumption or use of other persons at his expense, or on behalf of, or as agent for, a principal who desires to acquire such property for the consumption or use by such principal or other persons at his expense, shall immediately report the matter in writing to the Minister and shall supply him with the invoice and all other pertinent information required by him in respect of the consumption or use of such property and at the same time shall pay to Her Majesty in right of Ontario the same tax in respect of the consumption and use of such property as would have been payable if the property had been purchased at a retail sale in Ontario. 1960-61, c. 91, s. 2 (7); 1964, c. 104, s. 2 (3); 1966, c. 138, s. 2 (3); 1968-69, c. 113, s. 2 (7).

(10) The tax imposed by this Act shall be calculated separately on every purchase and shall be computed to the nearest cent, and every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent, but, where on the same occasion or as part of one transaction several items of tangible personal property are purchased, the total of the purchase shall be deemed to be one purchase for the purposes of this Act. 1960-61, c. 91, s. 2 (8).

(11) Where tangible personal property subject to tax under this Act is accepted at the time of sale by a person or a vendor on account of the price of other tangible personal property sold, the purchaser shall pay a tax at the rate provided in subsection 1 calculated on the difference between the fair value of the property sold and the credit allowed for the tangible personal property accept accepted on account of the purchase price in trade. 1967, c. 88, s. 1.

(12) Where tangible personal property has been purchased exempt from the tax imposed by this Act, and the tangible personal property is subsequently put to a taxable use, the purchaser shall pay the tax imposed by this Act on the fair value of the tangible personal property at the time of change of use. 1968-69, c. 113, s. 2 (8).

3.—(1) No vendor shall sell any taxable tangible personal property or taxable services or operate a place of amusement unless he has been granted upon his application a permit for each place in Ontario where he transacts business and such permit is in force at the time of the sale. 1968-69, c. 113, s. 3 (1); 1970, c. 6, s. 2.
(2) Each such permit shall be issued by the Minister and shall be kept and conspicuously displayed at the place of business of the vendor for which the permit is issued and it is not transferable. 1960-61, c. 91, s. 3 (1, 2); 1968-69, c. 113, s. 3 (2).

(3) The Minister may,

(a) refuse to issue a permit to any vendor; or

(b) suspend or cancel the permit of any vendor if such vendor or any of his employees contravenes any of the provisions of this Act,

but, before a refusal, suspension or cancellation is made, the vendor shall be afforded an opportunity to appear before the Minister to show cause why the issuance of a permit should not be refused or why the permit should not be suspended or cancelled, as the case may be. 1960-61, c. 91, s. 3 (3); 1968-69, c. 113, s. 3 (3).

(4) Every application for a permit shall be made in the form prescribed by the Minister and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as is required, and the application shall be signed,

(a) by the vendor, if a natural person;

(b) in the case of an association or partnership, by a member or partner; or

(c) in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority. 1960-61, c. 91, s. 3 (4); 1968-69, c. 113, s. 3 (4), amended.

(5) A permit issued under subsection 2 is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein.

(6) A permit remains in force so long as the place of business for which it is issued remains the place of business of the vendor or until suspended or cancelled, as the case may be.

(7) Every vendor who fails to comply with any provision of this section is guilty of an offence against this Act. 1960-61, c. 91, s. 3 (5-7).

4.—(1) No person shall dispose of his stock through a sale in bulk as defined in The Bulk Sales Act without first obtaining a certificate in duplicate from the Minister that all taxes collectable or payable by such person have been paid.

(2) Every person purchasing stock through a sale in bulk as defined in The Bulk Sales Act shall obtain from the person selling
such stock the duplicate copy of the certificate furnished under subsection 1, and, if he fails to do so, he is responsible for payment to the Treasurer of Ontario of all taxes collectable or payable by the person thus disposing of his stock through a sale in bulk. 1968-69, c. 113, s. 4.

Exemptions

5. — (1) The purchaser of the following classes of tangible personal property and taxable services is exempt from the tax imposed by this Act: 1962-63, c. 127, s. 2 (1); 1970, c. 6, s. 3 (1), amended.

1. food products for human consumption except candies and other confections and soft drinks;

2. prepared meals sold at a price of $2.50 or less; 1968-69, c. 113, s. 5 (1).

3. gasoline taxed under The Gasoline Tax Act;

4. gasoline used by farmers or commercial fishermen on which refunds of tax are entitled to be granted or have been granted under The Gasoline Tax Act; 1960-61, c. 91, s. 5, pars. 3, 4.

5. fuel taxed under The Motor Vehicle Fuel Tax Act; 1960-61, c. 91, s. 5, par. 5.

6. fuel oil not taxed under The Motor Vehicle Fuel Tax Act; 1960-61, c. 91, s. 5, par. 6.

7. coal;

8. coke; 1960-61, c. 91, s. 5, pars. 7, 8.

9. wood as defined by the Minister; 1960-61, c. 91, s. 5, par. 9; 1966, c. 138, s. 3 (3); 1968-69, c. 113, s. 5 (2).

10. natural gas and manufactured gas as defined by the Minister; 1960-61, c. 91, s. 5, par. 10; 1966, c. 138, s. 3 (4); 1968-69, c. 113, s. 5 (3).

11. electricity for all purposes; 1960-61, c. 91, s. 5, par. 11.

12. farm implements, farm machinery, farm equipment and repair parts, as defined by the Minister, that in his opinion are to be used by a person engaged in the business of farming; 1967, c. 88, s. 2 (1); 1968-69, c. 113, s. 5 (4).

13. oil-bearing seeds and seeds that will produce forage, cereal, fruit, root, vegetable and tobacco crops; 1960-61, c. 91, s. 5, par. 14.

14. fertilizers, insecticides, fungicides, herbicides, rodenticides and combinations thereof; 1960-61, c. 91, s. 5, par. 15; 1961-62, c. 126, s. 3 (1).
15. fodder grain, mill and other agricultural feeds, as defined by the Minister; 1960-61, c. 91, s. 5, par. 16; 1968-69, c. 113, s. 5 (5).

16. paper twine, binder twine, baler twine, baler wire and barbed wire; 1960-61, c. 91, s. 5, par. 17; 1962-63, c. 127, s. 2 (2).

17. farm, hog and poultry fence, as defined by the Minister; 1960-61, c. 91, s. 5, par. 18; 1968-69, c. 113, s. 5 (6).

18. agricultural products, including live stock; 1960-61, c. 91, s. 5, par. 19.

19. materials and equipment required for irrigation purposes and repairs to such equipment and drainage tile when such materials, equipment or tile is purchased by a person who with respect to the purchase of such property provides the vendor with a signed statement certifying that he is engaged in the business of farming and that such property will be used exclusively in the conduct of such business; 1966, c. 138, s. 3 (5).

20. fruit trees; 1960-61, 1960-61, c. 91, s. 5, par. 21.

21. shrubs and plants that produce fruit or other food for human consumption, or that produce tobacco;

22. any tree that is sold by the Department of Lands and Forests; 1961-62, c. 126, s. 3 (3).

23. aircraft as defined by the Minister and purchased for use in foreign or interprovincial trade by an airline, and repairs to such aircraft; 1966, c. 138, s. 3 (6), part; 1968-69, c. 113, s. 5 (7).

24. street flushers, street sweepers and fire-fighting vehicles as defined by the Minister and purchased by a municipality, university or public hospital at a price of more than $1,000 per vehicle; 1966, c. 138, s. 3 (6), part; 1968-69, c. 113, s. 5 (8).

25. natural water, including ice and steam;

26. clay, sand, gravel and unfinished stone; 1960-61, c. 91, s. 5, pars. 26, 27.

27. boats, fishing nets and other fishing apparatus utilized in catching fish for human consumption, purchased by a bona fide commercial fisherman for use solely in his trade, and repairs to such boats, fishing nets or other fishing apparatus; 1966, c. 138, s. 3 (7).

28. vessels of more than 500 tons gross;
29. drugs and medicines when sold on the prescription of a physician, dentist or veterinarian;

30. artificial limbs;

31. orthopaedic appliances;

32. equipment designed solely for the use of blind persons, cripples or chronic invalids;

33. hearing aids; 1960-61, c. 91, s. 5, pars. 29-34.

34. dentures and dental appliances;

35. optical appliances when sold on the prescription of a physician or an optometrist; 1961-62, c. 126, s. 3 (4), part.

36. equipment as defined by the Minister and purchased in good faith for use exclusively and not for resale by a hospital that is approved as a public hospital under The Public Hospitals Act or that is established under The Community Psychiatric Hospitals Act or by a sanatorium as defined under The Sanatoria for Consumptives Act or by The Ontario Cancer Treatment and Research Foundation, and repairs to such equipment; 1966, c. 138, s. 3 (8); 1968-69, c. 113, s. 5 (9).

37. dies, jigs, fixtures and moulds, patterns for dies, jigs, fixtures and moulds, tools attached to production machinery, explosives and refractory materials, all as defined by the Minister and consumed or expended by the purchaser thereof directly in the process of manufacture of tangible personal property for sale or use; 1970, c. 6, s. 3 (2).

38. materials, as defined by the Minister, that in his opinion are to be consumed or expended by the purchaser thereof directly in the process of manufacture or production of tangible personal property for sale or use; 1961-62, c. 126, s. 3 (4), part; 1967, c. 88, s. 2 (3); 1968-69, c. 113, s. 5 (11).

39. tangible personal property purchased for the purpose of being processed, fabricated or manufactured into, attached to, or incorporated into, tangible personal property for the purpose of sale or use; 1960-61, c. 91, s. 5, par. 40; 1967, c. 88, s. 2 (4).

40. tangible personal property to be shipped by the vendor for delivery outside Ontario, including ships' stores delivered to commercial vessels of more than 500 tons gross that normally operate in extra-territorial waters; 1960-61, c. 91, s. 5, par. 41.
41. railway rolling stock and repairs thereto; 1961-62, c. 91, s. 5, par. 43; 1961-62, c. 126, s. 3 (6), part.

42. children's clothing and children's footwear as the Lieutenant Governor in Council may determine by regulation; 1960-61, c. 91, s. 5, par. 44; 1961-62, c. 126, s. 3 (6), part.

43. classroom supplies, as defined by the Minister, purchased for use or consumption and not for resale by schools, school boards or universities; 1961-62, c. 126, s. 3 (7), part; 1968-69, c. 113, s. 5 (12), amended.

44. students' supplies, as defined by the Minister; 1961-62, c. 126, s. 3 (7), part; 1968-69, c. 113, s. 5 (13).

45. books that are printed and bound and that are published solely for educational, technical, cultural or literary purposes and that contain no advertising, but not directories, price lists, time tables, rate books, catalogues, reports, fashion books, albums or any books of the same general classes; 1967, c. 88, s. 2 (5).

46. newspapers, however purchased; 1960-61, c. 91, s. 5, par. 47.

47. magazines and periodicals, as defined by the Minister; 1961-62, c. 126, s. 3 (8); 1968-69, c. 113, s. 5 (14).

48. draft beer sold by the keg to the owners of licensed premises for resale by the glass on such premises; 1960-61, c. 91, s. 5, par. 49.

49. draft beer sold on licensed premises; 1960-61, c. 91, s. 5, par. 50; 1968-69, c. 113, s. 5 (15).

50. works of art, as defined by the Minister, purchased by a museum or art gallery more than 50 per cent of the revenue of which is provided by public donations and grants by public bodies; 1961-62, c. 126, s. 3 (4), part; 1968-69, c. 113, s. 5 (17).

51. uncancelled Canada postage stamps and uncancelled federal and provincial revenue stamps valid for transportation of mail or for revenue purposes where the consideration for the sale thereof does not exceed the face value thereof; 1961-62, c. 126, s. 3 (9), part.

52. coin, paper money or bank notes unless purchased at a price greater than the equivalent face value thereof in Canadian funds; 1970, c. 6, s. 3 (3).
53. equipment, as defined by the Minister and that is purchased by a religious institution for use exclusively and not for resale in that part of its premises where religious worship or sabbath school is regularly conducted, and repairs to such equipment; 1961-62, c. 126, s. 3 (9), part; 1966, c. 138, s. 3 (10); 1968-69, c. 133, s. 5 (18).

54. equipment, as defined by the Minister and that is purchased by a person licensed by the Minister of Lands and Forests to trap fur-bearing animals, and repairs to such equipment; 1961-62, c. 126, s. 3 (9), part; 1966, c. 138, s. 3 (11); 1968-69, c. 113, s. 5 (19).

55. machinery and apparatus and parts thereof, as defined by the Minister, purchased by advertisers or their agents that, in the opinion of the Minister, are used to produce advertisements exclusively in newspapers or magazines; 1961-62, c. 126; s. 3 (9), part; 1968-69, c. 113, s. 5 (20).

56. religious and educational publications, as defined by the Minister; 1961-62, c. 126, s. 3 (9), part; 1968-69, c. 113, s. 5 (21).

57. tangible personal property purchased at a price of less than 21 cents; 1962-63, c. 127, s. 2 (4).

58. buses, excluding school buses, when purchased in good faith to provide public transportation within a municipality as defined by the Minister, and repairs to such equipment; 1964, c. 104, s. 4, part; 1966, c. 138, s. 3 (12); 1968-69, c. 113, s. 5 (22).

59. tangible personal property that is purchased in good faith pursuant to a contract entered into on or after the 1st day of June, 1964, for use exclusively and not for resale by the governing board of a public hospital, nurses' residence, school or university and that will be incorporated into and form part of a public hospital, nurses' residence, school or university building; 1964, c. 104, s. 4, part; 1966, c. 138, s. 3 (13).

60. tangible personal property that is purchased in good faith pursuant to a contract entered into on or after the 1st day of June, 1964, for use exclusively and not for resale by a municipality or a local board thereof and that enters directly into and becomes part of the construction of capital works; 1964, c. 104, s. 4, part.

61. tobacco products taxed under The Tobacco Tax Act; 1965, c. 117, s. 2 (3).

62. settler's effects as defined by the Minister; 1966, c. 138, s. 3 (14), part; 1968-69, c. 113, s. 5 (23).
63. cut natural evergreen Christmas trees when used for decorative purposes; 1966, c. 138, s. 3 (14), part.

64. tangible personal property situated on a reserve, as defined by the Indian Act (Canada), when purchased by an Indian, and tangible personal property purchased by an Indian off the reserve when delivered to the reserve for consumption or use by an Indian; 1967, c. 88, s. 2 (6).

65. taxable services used on a reserve, as defined by the Indian Act (Canada), when purchased by an Indian. 1970, c. 6, s. 3 (4).

(2) The purchaser of tangible personal property purchased to provide a taxable service is not exempt from the tax imposed by this Act.

(3) No taxable service is exempt from the tax imposed by this Act by reason of the fact that the tangible personal property used in providing the taxable service is tangible personal property in respect of which tax imposed by this Act has been paid. 1968-69, c. 113, s. 5 (24).

6.—(1) Where a person acquires title to tangible personal property by bequest or from a member of his family and no consideration is payable by the purchaser in respect of the acquisition, the tax imposed by subsection 1 of section 2 does not apply. 1964, c. 104, s. 5.

(2) In subsection 1, “member of his family” means the father, mother, husband, wife, grandfather, grandmother, son, daughter, grandson, granddaughter, son-in-law, daughter-in-law, father-in-law or mother-in-law of the purchaser. 1961-62, c. 126, s. 4, part; 1962-63, c. 127, s. 3.

7.—(1) If, owing to special circumstances, it is deemed inequitable that the whole amount of tax imposed by this Act be paid, the Minister may, with the approval of the Lieutenant Governor in Council, exempt a purchaser from payment of the whole or any part of such tax. 1961-62, c. 126, s. 4, part; 1968-69, c. 113, s. 6 (1).

(2) Where special circumstances exist, whether of a religious, charitable or educational nature or otherwise, the Lieutenant Governor in Council may, upon application of the vendor made to the Minister at least ten days before the tax would otherwise be payable, exempt the purchaser from the payment and the vendor from collection of the tax imposed by subsection 4 of section 2.

(3) Where it is shown to the satisfaction of the Minister that the tax calculated on the price of admission to a place of amusement at or in which an entertainment has been held for the
purpose of raising funds for religious, charitable or educational purposes was collected and paid to Her Majesty in right of Ontario in accordance with subsection 4 of section 2, and where the vendor files with the Minister a statement, verified by his affidavit, giving in detail all receipts and expenses in connection with the entertainment and the receipt of the organization to which the proceeds were donated acknowledging receipt of the proceeds is attached thereto, and where the Minister is satisfied that the organization is one whose operations are carried on exclusively for religious, charitable or educational purposes or for any combination of such purposes, there may be paid to the organization an amount equal to that proportion of the tax so collected and paid which the proceeds acknowledged as received by the organization bear to the gross amount received by the vendor as the price of admission to such place of amusement.

(4) Where application of the vendor is made to the Minister at least ten days before the tax imposed by subsection 4 of section 2 would otherwise be payable and the Minister is satisfied that the performers in a theatrical or musical performance in a place of amusement are residents of Canada performing under the management of a person resident in Canada and that the performance will not be presented with the showing of a motion picture or with a carnival, circus, side show, menagerie, rodeo, exhibition, horse race, athletic contest or other performance, the Minister may, in his absolute discretion, exempt the purchaser from the payment and the vendor from the collection of the tax imposed by subsection 4 of section 2. 1968-69, c. 113, s. 6 (2), amended.

8.—(1) Every vendor is an agent of the Minister and as such shall levy and collect the taxes imposed by this Act upon the purchaser or consumer. 1960-61, c. 91, s. 6 (1); 1968-69, c. 113, s. 7.

(2) No person acting under subsection 1 shall thus be made ineligible as a member of the Assembly. 1960-61, c. 91, s. 6 (2).

9. The taxes imposed by this Act, whether the purchase price be stipulated to be payable in cash or on terms or by instalments or otherwise, shall be collected at the time of the sale on the whole amount of the purchase price and be remitted to the Treasurer of Ontario at the times and in the manner prescribed by the regulations. 1960-61, c. 91, s. 7; 1968-69, c. 113, s. 8.

10. All taxes collected by a vendor under this Act shall be remitted to the Treasurer of Ontario at the time or times and in such manner as are prescribed by the regulations. 1960-61, c. 91, s. 8; 1968-69, c. 113, s. 9.

11.—(1) The Minister may enter into such arrangement with each vendor as he considers expedient for the payment of such
remuneration for his services in collecting and remitting the tax as the Minister considers proper, and the vendor may deduct such remuneration from the amount otherwise to be remitted to the Treasurer in accordance with section 10. 1960-61, c. 91, s. 9 (1); 1961-62, c. 126, s. 5; 1968-69, c. 113, s. 10.

(2) No person accepting remuneration under subsection 1 shall thus be made ineligible as a member of the Assembly. 1960-61, c. 91, s. 9 (2).

12.—(1) Every vendor shall make returns to the Minister and shall keep such records in the form and substance as are prescribed by the regulations, and any failure so to do constitutes an offence against this Act. 1960-61, c. 91, s. 10; 1968-69, c. 113, s. 11 (1).

(2) Every registered consumer shall make returns to the Minister and shall keep such records in the form and substance as are prescribed by the regulations, and any failure so to do constitutes an offence against this Act. 1964, c. 104, s. 6; 1968-69, c. 113, s. 11 (2).

13. Every manufacturer, wholesaler, importer, jobber, agent and vendor shall keep records of all purchases and sales made by him of tangible personal property whether for consumption or use or for resale, and any failure so to do constitutes an offence against this Act. 1960-61, c. 91, s. 11.

14.—(1) Subject to subsection 2, no person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act. 1964, c. 104, s. 7, part.

(2) The Minister may,

(a) communicate or allow to be communicated information obtained under this Act; or

(b) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the Government of Canada or any province of Canada, if the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Minister, and if the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax. 1964, c. 104, s. 7, part; 1968-69, c. 113, s. 12.
15.—(1) Where a vendor fails to make a return or a remittance as required under this Act or if his returns are not substantiated by his records, the Minister may make an assessment of the tax collected by such vendor for which he has not accounted and such assessed amount shall thereupon be deemed to be the tax collected by the vendor. 1968-69, c. 113, s. 13 (1).

(2) Where it appears from an inspection, audit or examination of the books of account, records or documents of any vendor or purchaser that this Act or the regulations have not been complied with, the person making the inspection, audit or examination shall calculate the tax collected by the vendor or payable by the purchaser in such manner and form and by such procedure as the Minister considers adequate and expedient, and the Minister shall assess the amount of the tax collected by the vendor or payable by the purchaser, as the case may be. 1960-61, c. 91, s. 13 (2); 1968-69, c. 113, s. 13 (2), amended.

(3) The Minister may, at any time he considers reasonable, assess or reassess any tax collectable by a vendor or any tax payable by a purchaser, under this Act. 1960-61, c. 91, s. 13 (3); 1968-69, c. 113, s. 13 (3).

(4) Where the Minister has made an assessment under subsection 1, he may send by prepaid mail or by personal service a notice of assessment to the vendor, requiring that the amount of the assessment made under subsection 1 be remitted to the Treasurer of Ontario or otherwise accounted for. 1970, c. 6, s. 4 (1).

(5) The Minister shall send by prepaid mail a notice of the assessment made under subsection 2 or 3 to the vendor or purchaser, as the case may be, at his latest known address, and, where the vendor or purchaser has more than one address, one of which is in Ontario, such notice shall be sent to his address in Ontario. 1960-61, c. 91, s. 13 (6); 1968-69, c. 113, s. 13 (5); 1970, c. 6, s. 4 (3), amended.

(6) Liability for tax imposed by this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made. 1960-61, c. 91, s. 13 (7).

(7) The Minister is not bound by a return or information delivered by or on behalf of any person under this Act and may, notwithstanding a return or information so delivered or if no return or information has been delivered, assess the tax payable under this Act. 1960-61, c. 91, s. 13 (8); 1968-69, c. 113, s. 13 (6).

(8) An assessment, subject to being varied or vacated on an objection or appeal and subject to a reassessment, shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. 1960-61, c. 91, s. 13 (9).
16.—(1) Every vendor or purchaser shall, within thirty days from the day of mailing of the notice of assessment under subsection 4 or 5 of section 15, pay any part of the assessed tax then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding. 1960-61, c. 91, s. 14 (1).

(2) Where in the opinion of the Minister a vendor or a purchaser is attempting to avoid payment of the tax imposed by this Act or where the Minister has assessed the tax payable under this Act pursuant to subsection 1, 2 or 3 of section 15, he may, notwithstanding subsection 4 or 5 of section 15, serve the notice of assessment upon the vendor or the purchaser, as the case may be, and, if the vendor or the purchaser is a partnership or a corporation, the notice of assessment may be served on a partner or the president, manager, secretary or other director, agent or representative thereof, and the Minister may direct that all taxes as set out therein shall be paid forthwith. 1960-61, c. 91, s. 14 (2); 1968-69, c. 113, s. 14.

17. The purchaser is liable for the tax imposed by this Act until it is collected, and, where the purchaser refuses to pay the tax at the time it is collectable under section 9, the vendor shall within twenty days thereafter, notify the Minister thereof. 1961-62, c. 126, s. 6; 1964, c. 104, s. 8; 1968-69, c. 113, s. 15; 1970, c. 6, s. 5.

18.—(1) Every vendor who collects any tax under this Act shall be deemed to hold it in trust for Her Majesty in right of Ontario and is responsible for the payment over of it in the manner and time provided under this Act and the regulations.

(2) Every tax collectable or penalty payable by a vendor under this Act is a first lien and charge upon his property in Ontario for the amount of such tax or penalty and has priority over all other claims of any person. 1964, c. 104, s. 9.

19.—(1) Where a vendor or a purchaser objects to an assessment made under section 15, he may, within sixty days from the day of mailing of the notice of assessment, serve on the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts. 1960-61, c. 91, s. 17 (1); 1966, c. 138, s. 4; 1968-69, c. 113, s. 16 (1).

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Minister. 1960-61, c. 91, s. 17 (2); 1968-69, c. 113, s. 16 (2).

(3) Upon receipt of the notice of objection, the Minister shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or reassess, and he shall thereupon notify the vendor or the purchaser, as the case may be, of his
action by registered letter. 1960-61, c. 91, s. 17 (3); 1968-69, c. 113, s. 16 (3).

20.—(1) Where a person has served notice of objection under section 19, he may appeal to the Supreme Court to have the assessment vacated or varied after the Minister has confirmed or reassessed, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to such person under section 19 that the Minister has confirmed the assessment or reassessed it. 1960-61, c. 91, s. 18 (1); 1968-69, c. 113, s. 17 (1).

(2) An appeal to the Supreme Court shall be instituted by serving on the Minister a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business. 1960-61, c. 91, s. 18 (2); 1968-69, c. 113, s. 17 (2).

3. A notice of appeal shall be served on the Minister by being sent by registered mail addressed to the Minister. 1960-61, c. 91, s. 18 (3); 1968-69, c. 113, s. 17 (3).

(4) The person appealing shall set out in the notice of appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in supporting his appeal. 1960-61, c. 91, s. 18 (4).

(5) An appeal under this section and all proceedings thereunder are, upon the expiration of sixty days from the day the appeal is instituted, void unless security for the costs of the appeal has been, within the same period, paid into court in such sum, not exceeding $400, as the Minister requires and, upon an appeal becoming void by virtue of this subsection, no other appeal or proceeding shall be instituted in respect of the same decision. 1960-61, c. 91, s. 18 (5); 1968-69, c. 113, s. 17 (4), amended.

(6) When security has been given under subsection 5, notice thereof shall be served on the Minister specifying the fact and the purpose of the payment. 1960-61, c. 91, s. 18 (6); 1968-69, c. 113, s. 17 (5).

21.—(1) The Minister shall with all due despatch serve on the person appealing and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on. 1960-61, c. 91, s. 19 (1); 1960-61, c. 113, s. 18.

(2) The court or a judge may in its or his discretion strike out a notice of appeal or any part thereof for failure to comply with subsection 4 of section 20 and may permit an amendment to be
made to a notice of appeal or a new notice of appeal to be substituted for the one struck out.

(3) The court or a judge may in its or his discretion,

(a) strike out any part of a reply for failure to comply with subsection 1 or permit the amendment of a reply; or

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

(4) Where a notice of appeal is struck out for failure to comply with subsection 4 of section 20 and a new notice of appeal is not filed as and when permitted by the court or a judge, the court or a judge may, in its or his discretion, dispose of the appeal by dismissing it.

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by the court or a judge within the time ordered, the court may dispose of the appeal _ex parte_ or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true. 1960-61, c. 91, s. 19 (2-5).

22.—(1) Upon the filing of the material referred to in section 20 with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing. 1960-61, c. 91, s. 20 (1).

(2) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court may direct. 1960-61, c. 91, s. 20 (2).

(3) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it; and

(i) vacating the assessment,

(ii) varying the assessment,

(iii) restoring the assessment, or

(iv) referring the assessment back to the Minister for reconsideration and reassessment. 1960-61, c. 91, s. 20 (3); 1968-69, c. 113, s. 19.

(4) The court may, in delivering judgment disposing of an appeal, order payment or refund of tax by the appellant or the Treasurer, as the case may be, and may make such order as to costs as is considered proper. 1960-61, c. 91, s. 20 (4).
23. Proceedings pursuant to sections 20, 21, 22 and 24 shall be held in camera on request made to the court by the person appealing or by the Minister. 1960-61, c. 91, s. 21; 1968-69, c. 113, s. 20.

24. The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter deemed to be an action under section 20, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court. 1960-61, c. 91, s. 22.

25. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act. 1960-61, c. 91, s. 23.

26.—(1) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are or should be kept pursuant to this Act, and,

(a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or the amount of tax collectable or payable under this Act;

(b) examine the property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax collectable or payable under this Act;

(c) require a vendor or purchaser liable to collect or pay or considered possibly liable to collect or pay tax under this Act or, if such vendor or purchaser is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof and any other person on the premises of such vendor or purchaser to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination, either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises or place with him; and
(d) if during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings. 1960-61, c. 91, s. 24 (1); 1968-69, c. 113, s. 21 (1).

(2) The Minister may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any vendor or purchaser or, if any such vendor or purchaser is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof,

(a) any information or additional information or a return as required under section 12 or a supplementary return; or

(b) production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein. 1960-61, c. 91, s. 24 (2); 1968-69, c. 113, s. 21 (2).

(3) The Minister may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding or paying or liable to pay any amount to a vendor or purchaser, or from any partner, agent, or official of any such person, partnership, syndicate, trust or corporation, production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein. 1960-61, c. 91, s. 24 (3); 1966, c. 138, s. 5; 1968-69, c. 113, s. 21 (3).

(4) The Minister may, for any purpose related to the administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon ex parte application, authorize in writing any officer of the Department of Revenue, together with such members of the Ontario Provincial Police Force or other peace officers as he calls upon to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and to seize and to take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings. 1960-61, c. 91, s. 24 (4); 1968-69, c. 113, s. 21 (4).
(5) The Minister may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer for the purpose of determining what tax, if any, is collectable or payable under this Act by any vendor or purchaser, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand. 1960-61, c. 91, s. 24 (5); 1968-69, c. 113, s. 21 (5).

(6) The Minister may, for any purpose related to the administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Department of Revenue, to make such inquiry as the Minister considers necessary with reference to anything relating to the administration or enforcement of this Act. 1960-61, c. 91, s. 24 (6); 1968-69, c. 113, s. 21 (6).

(7) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the Department of Revenue, may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way. 1960-61, c. 91, s. 24 (7); 1968-69, c. 113, s. 21 (7).

(8) No person shall hinder or molest or interfere with any person doing anything that he is authorized by this section to do or prevent or attempt to prevent any person doing any such thing.

(9) Notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do.

(10) Declarations or affidavits in connection with returns delivered under this Act or statements of information submitted pursuant to this section may be taken before any person having authority to administer an oath or before any person specially authorized for that purpose by the Lieutenant Governor in Council, but any person so specially authorized shall not charge any fee therefor.

(11) For the purpose of an inquiry under subsection 6, the person authorized to make the inquiry has all the powers and authority that may be conferred upon a commissioner appointed under The Public Inquiries Act. 1960-61, c. 91, s. 24 (8-11).
27.—(1) Every vendor who fails to deliver a return or to remit the tax collectable or payable as and when required shall pay a penalty of,

(a) an amount equal to 5 per cent of the tax that was collectable and of the tax that was payable by him for the period covered by the return, if the amount of such tax was less than $10,000; or

(b) $500, if the amount of such tax was $10,000 or more. 1970, c. 6, s. 6.

(2) Every vendor who fails to complete the information required on the return to be delivered under section 12 is liable to a penalty of 1 per cent of the tax collectable by him for the period covered by the return, but such penalty shall not in any case be less than $20 or more than $100.

(3) Every person who has,

(a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer, delivered or made as required by or under this Act or the regulations;

(b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of the vendor or purchaser;

(c) made, or assented to or acquiesced in the making of, false or deceptive entries or omitted, or assented to or acquiesced in the omission, to enter a material particular in records or books of account of a vendor or purchaser;

(d) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or

(e) conspired with any person to commit any offence described in clauses a to d,

is guilty of an offence and, in addition to any penalty otherwise provided by this Act, is liable on summary conviction to a fine of not less than $25 and not more than $10,000 plus, in an appropriate case, an amount of not more than double the amount of the tax that should have been declared to be collectable or payable or that was sought to be evaded, or to imprisonment for a term of not more than two years, or to both. 1960-61, c. 91, s. 25 (2, 3).

(4) Every registered consumer who fails to deliver a return when required shall pay a penalty of,

(a) an amount equal to 5 per cent of the tax that was
payable by him for the period covered by the return, if the amount of such tax was less than $10,000; or

(b) $500, if the amount of such tax was $10,000 or more.

(5) Every registered consumer who fails to complete the information required on the return to be delivered under subsection 2 of section 12 is liable to a penalty of 1 per cent of the tax payable by him for the period covered by the return, but such penalty shall not in any case be less than $20 or more than $100. 1964, c. 104, s. 10.

28. The Minister may enlarge the time for making any return before or after the time for making it. 1960-61, c. 91, s. 26; 1968-69, c. 113, s. 22.

29.—(1) Any amount payable or to be remitted to the Treasurer of Ontario under this Act bears interest, at such rate as is prescribed by the regulations, from the day on which such amount should have been paid or remitted to the Treasurer of Ontario to the day of payment or until thirty days following the day on which a notice of assessment is mailed under subsection 4 or 5 of section 15, whichever is the earlier date.

(2) The amount due as shown by a notice of assessment made under subsection 4 or 5 of section 15 shall, if it is not paid within thirty days from the day of mailing of the notice of assessment, bear interest, at such rate as is prescribed by the regulations, calculated from thirty days after the day of mailing of the notice of assessment until the day of payment. 1968-69, c. 113, s. 23.

30.—(1) Where an amount in respect of an overpayment is refunded or applied on other liability, interest at such rate as is prescribed by the regulations shall be paid or applied thereon for the period commencing on the day the overpayment arose and ending with the day of refunding or application on other liability, unless the amount of interest so calculated is less than $1, in which event no interest shall be paid or applied under this subsection.

(2) Where by a decision of the Minister under section 19 or by a decision of a court it is finally determined that the tax payable under this Act by a person is less than the amount assessed by the assessment under section 15 to which objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment of tax, the interest payable under subsection 1 on that overpayment shall be computed at such rate as is prescribed by the regulations. 1970, c. 6, s. 7.

31.—(1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served
personally, require the first-named person to pay the moneys  
otherwise payable to the second-named person in whole or in part to  
the Treasurer of Ontario on account of the liability under this  
Act. 1960-61, c. 91, s. 28 (1); 1968-69, c. 113, s. 24 (1).

(2) The receipt of the Treasurer of Ontario for moneys paid as  
required under this section is a good and sufficient discharge of  
the original liability to the extent of the payment. 1960-61,  
c. 91, s. 28 (2); 1968-69, c. 113, s. 24 (2).

(3) Every person who has discharged any liability to a person  
liable to make a payment or remittance under this Act without  
complying with the requirement under this section is liable to pay  
Her Majesty in right of Ontario an amount equal to the liability  
discharged or the amount that he was required under this section  
to pay to the Treasurer of Ontario, whichever is the lesser.  
1960-61, c. 91, s. 28 (3); 1968-69, c. 113, s. 24 (3).

(4) Where a person who is or is about to become indebted or  
liable to make a payment to a person liable to make a payment or  
remittance under this Act carries on business under a name or  
style other than his own name, the registered or other letter under  
subsection 1 may be addressed to the name or style under which  
he carries on business and, in the case of personal service, shall be  
deemed to have been validly served if it has been left with an adult  
person employed at the place of business of the addressee.

(5) Where the persons who are or are about to become indebted  
or liable to make a payment to a person liable to make a payment  
or remittance under this Act carry on business in partnership, the  
registered or other letter under subsection 1 may be addressed to  
the partnership name and, in the case of personal service, shall be  
deemed to have been validly served if it has been served on one of  
the partners or left with an adult person employed at the place of  
business of the partnership. 1960-61, c. 91, s. 28 (4, 5).

32.—(1) Upon default of payment by a vendor or purchaser of  
any tax collectable or payable under this Act,

(a) the Minister may bring an action for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred and shall be tried without a jury;

(b) the Minister may issue a warrant directed to the sheriff of any county or district in which any property of a person liable to make a payment or remittance under this Act is located or situate for the amount of the tax owing by him, together with interest thereon from the date of the issue of the warrant and the costs, expenses
and poundage of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court. 1960-61, c. 91, s. 29 (1); 1968-69, c. 113, s. 25 (1, 2).

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Minister with this Act as well as the failure of any person, partnership, syndicate, trust or corporation to comply with the requirements of this Act shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proved in any court of law by affidavit of the Minister or of any officer of the Department of Revenue. 1960-61, c. 91, s. 29, (2); 1968-69, c. 113, s. 25 (3).

33. The use of any of the remedies provided by sections 31 and 32 does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of the payment of any tax imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or otherwise. 1960-61, c. 91, s. 30.

34.—(1) The Minister may require any vendor to deposit with the Treasurer of Ontario a bond by way of cash or other security satisfactory to the Minister in an amount to be determined by the Minister but not greater than an amount equal to six times the amount of the estimated tax that would normally be collected by the vendor each month under this Act, but in no case shall the deposit be less than $100. 1960-61, c. 91, s. 31 (1); 1966, c. 138, s. 6; 1968-69, c. 113, s. 26 (1).

(2) Where a vendor who has deposited a bond with the Treasurer of Ontario under subsection 1 has failed to collect or remit tax in accordance with this Act, the Minister may, by giving written notice to the vendor by registered mail or personal service, apply the bond in whole or in part to the amount that should have been collected, remitted or paid by the vendor as the amount due to Her Majesty in right of Ontario as of the date of the notice. 1960-61, c. 91, s. 31 (2); 1968-69, c. 113, s. 26 (2).

(3) Where a non-resident contractor enters into a contract with a person pursuant to which or in the carrying out of which tangible personal property will be consumed or used in Ontario, the non-resident contractor shall deposit with the Treasurer of Ontario a sum equivalent to 3 per cent of the total amount to be paid under the contract, or shall furnish the Treasurer of Ontario with a guarantee bond satisfactory to the Minister in a sum equivalent to 3 per cent of such total amount, to secure payment of the tax payable in respect of tangible personal property
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consumed or used pursuant to or in the carrying out of the contract and shall obtain a certificate in duplicate from the Minister that the requirements of this subsection have been met. 1964, c. 104, s. 11, *part*; 1968-69, c. 113, s. 26 (3).

(4) Any person dealing with a non-resident contractor without first obtaining the duplicate copy of the certificate from the Minister as required in subsection 3 shall deduct 3 per cent of all amounts payable to the non-resident contractor and pay it over to the Treasurer of Ontario on behalf of or as agent for the non-resident contractor, or shall furnish the Treasurer of Ontario with a guarantee bond satisfactory to the Minister in a sum equivalent to 3 per cent of such total amount, to secure payment of the tax payable in respect of tangible personal property consumed or used pursuant to or in the carrying out of the contract. 1964, c. 104, s. 11, *part*; 1968-69, c. 113, s. 26 (4).

(5) Where a person dealing with a non-resident contractor fails to comply with subsection 4, he is personally liable for payment of the tax imposed by this Act in respect of tangible personal property consumed or used pursuant to or in the carrying out of the contract. 1964, c. 104, s. 11, *part*.

35. No vendor shall advertise or hold out or state to the public or to any purchaser, directly or indirectly, that the tax or any part thereof imposed by this Act will be assumed or absorbed by him or that it will not be considered as an element in the price to the purchaser, or, if added, that it or any part thereof will be refunded. 1960-61, c. 91, s. 32.

36.—(1) Every vendor or registered consumer who has failed to deliver a return as and when required by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than $25 for each day during which the default continues. 1960-61, c. 91, s. 33 (1); 1965, c. 117, s. 3.

(2) Every person who contravenes section 13 or 26 is guilty of an offence and on summary conviction is liable to a fine of $25 for each day during which the default continues. 1960-61, c. 91, s. 33 (2).

37. Where a corporation is guilty of an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. 1960-61, c. 91, s. 34.

38.—(1) Subject to subsection 2, a person guilty of an offence against this Act is liable on summary conviction to a fine of not less than $10 and not more than $1,000.

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*Tax not to be absorbed by vendors*

*Offences*

*Officers, etc., of corporations*

*General penalty*
(2) Every person who fails to collect the tax imposed by this Act is liable on summary conviction to a fine equal to the amount of the tax that should have been collected as determined under subsection 3 and, in addition, an amount not less than $10 and not more than $1,000. 1960-61, c. 91, s. 35 (1, 2).

(3) The Minister shall determine the amount of the tax referred to in subsection 2 from such information as is available to him and shall issue a certificate as to the amount, but, except where he deems there has been deliberate evasion of this Act, the Minister shall not consider a period of more than three years in determining the amount of the tax referred to. 1960-61, c. 91, s. 35 (3); 1968-69, c. 113, s. 27 (1).

(4) In any prosecution under subsection 2, a certificate signed or purported to be signed by the Minister stating the amount of tax that should have been collected is prima facie evidence of the amount of tax that should have been collected and of the authority of the person giving or making the certificate without any proof of appointment or signature. 1960-61, c. 91, s. 35 (4); 1968-69, c. 113, s. 27 (2).

(5) Any information in respect of an offence under this Act may be for one or more than one offence, and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

(6) Neither the application of any provision of this section nor the enforcement of any penalty hereunder suspends or affects any remedy for the recovery of any tax payable under this Act. 1960-61, c. 91, s. 35 (5, 6).

(7) Fines imposed under this Act shall be paid to the Treasurer of Ontario on behalf of Her Majesty in right of Ontario. 1960-61, c. 91, s. 35 (7); 1968-69, c. 113, s. 27 (3).

39. In any prosecution for failure to pay the tax or collect or remit the tax, the onus of proving that the tax was paid, collected or remitted, as the case may be, to the Minister is upon the accused. 1960-61, c. 91, s. 36; 1968-69, c. 113, s. 28.

40. An information in respect of an offence against this Act shall be laid within six years of the time when the matter of the information arose. 1960-61, c. 91, s. 37.

41.—(1) In a prosecution against a vendor under this Act, the application form he filed for a permit under section 3 is prima facie evidence that the person charged is a vendor under this Act and a return filed by him is prima facie evidence that he collected tax under this Act.
(2) Where a vendor is described as a partnership on an application form for a permit under section 3, the application form is *prima facie* evidence that the persons named therein are members of such partnership and a return form filed by the partnership is *prima facie* evidence that the partnership collected tax. 1960-61, c. 91, s. 38.

42.—(1) For the purpose of carrying into effect the provisions of this Act according to their true intent and of supplying any deficiency therein, the Lieutenant Governor in Council may make such regulations as are considered necessary and advisable. 1960-61, c. 91, s. 39 (1).

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations,

(a) prescribing the forms and records to be used for the purpose of this Act or the regulations;

(b) prescribing the method of collection and remittance of the tax and any condition or requirement affecting such collection or remittance;

(c) authorizing or requiring the Deputy Minister or any other officer of the Department of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act;

(d) defining any expression used in this Act or the regulations;

(e) providing for the rebate of the tax in whole or in part to,

(i) the governing body of any religious, charitable or benevolent organization in respect of tangible personal property entering into capital investment by such organization,

(ii) the governing body of any hospital, nurses' residence, school or university in respect of tangible personal property that is purchased by such governing body pursuant to a contract entered into on or before the 31st day of May, 1964, and that enters directly into and becomes part of the construction of a hospital, nurses' residence, school or university building, where the personal property in respect of which the rebate is claimed was not purchased exempt from tax under this Act,

(iii) a municipality, or local board thereof, in respect of tangible personal property that is purchased pursuant to a contract entered into on or before the 31st day of May, 1964, and that enters directly into and becomes part of the construction of capital works, where the personal property in respect of which the
rebate is claimed was not purchased exempt from tax under this Act,
and prescribing the terms and conditions under which such rebates may be made;

(f) providing for relaxing the strictness of this Act relative to the incidence or collection of tax hereunder in special circumstances where, without relaxation, inconvenience or hardship might result, including cases involving the purchase of tangible personal property at bazaars and rummage sales;

(g) providing for the rebate of tax in whole or in part owing to special circumstances, and prescribing the terms and conditions under which such rebates may be made;

(h) prescribing the rates of interest payable under this Act. 1960-61, c. 91, s. 39 (2); 1964, c. 104, s. 12; 1966, c. 138, s. 7; 1968-69, c. 113, s. 29; 1970, c. 6, s. 8.