

1974

c 91 The Income Tax Amendment Act, 1974

Ontario

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The Income Tax Amendment Act, 1974, SO 1974, c 91

Repository Citation

Ontario (1974) "c 91 The Income Tax Amendment Act, 1974," *Ontario: Annual Statutes*: Vol. 1974, Article 93.

Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1974/iss1/93

CHAPTER 91

An Act to amend The Income Tax Act*Assented to December 10th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 3 of section 3 of *The Income Tax Act*, ^{s. 3 (3) (h), re-enacted} being chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 153, section 1, is repealed and the following substituted therefor:

(*h*) 30.5 per cent in respect of the 1972, 1973, 1974 and 1975 taxation years.

- 2.—(1) Subsection 2 of section 6*b* of the said Act, as re-enacted ^{s. 6*b* (2), amended} by the Statutes of Ontario, 1973, chapter 153, section 2, is amended,

(*a*) by striking out "\$400" in the fourth line and inserting in lieu thereof "\$500";

(*b*) by striking out "1 per cent" in the sixth line and inserting in lieu thereof "2 per cent";

(*c*) by striking out "\$90" in the eleventh line and inserting in lieu thereof "\$180"; and

(*d*) by striking out "\$100" in the thirty-fourth line and inserting in lieu thereof "\$110".

- (2) Subsection 4 of the said section 6*b*, as re-enacted by the ^{s. 6*b* (4), amended} Statutes of Ontario, 1972, chapter 146, section 2, is amended by adding at the commencement thereof "Subject to subsection 10,".

- (3) The said section 6*b* is amended by adding thereto the ^{s. 6*b*, amended} following subsections:

(10) For the purposes of this section,

Where no deduction may be made

- (a) where an individual or someone on his behalf is entitled to file returns under the Federal Act in respect of the individual's income for more than one taxation year ending in the same calendar year, the deduction to which the individual may be entitled under subsection 2 may be claimed only with respect to that taxation year that ends first after the commencement of that calendar year;
- (b) no deduction under subsection 2 may be claimed in a return,
 - (i) filed pursuant to an election made under the provisions of subsection 2 of section 70 of the Federal Act, or
 - (ii) filed on behalf of an individual by a trustee in bankruptcy pursuant to the provisions of paragraph *e* or *h* of subsection 2 of section 128 of the Federal Act;

and

- (c) notwithstanding clause *a*, where an individual is entitled to file returns under the Federal Act in respect of more than one taxation year ending in the same calendar year, and where the taxation year that ends first after the commencement of that calendar year ends on the day immediately before the day on which the individual became a bankrupt within the meaning of the *Bankruptcy Act* (Canada), the individual may, in computing the amount of the tax credit described in clause *a* of subsection 2, determine his occupancy cost to be the amount that would be his occupancy cost for the whole of that calendar year excluding any portion of that occupancy cost so determined that has been taken into account by the spouse of that individual in computing the amount of the tax credit described in clause *a* of subsection 2 for that calendar year.

R.S.C. 1970,
c. B-3

Limitation
on unclaimed
deductions

(11) Where it is established to the Minister's satisfaction that, in respect of a particular taxation year, an individual was entitled to a deduction under subsection 2 exceeding the amount of the deduction allowed to him under subsection 2 for that taxation year, the amount of such excess (hereinafter called the "additional deduction") may be deducted from the individual's tax otherwise payable under this Act that is payable at the time of or next after the

establishing of the amount of the additional deduction, and if the amount of the additional deduction, together with the amount of any deduction under subsection 2 to which the individual is then entitled, exceeds the tax otherwise payable under this Act by the individual at the time of or next after the establishing of the amount of the additional deduction, the amount of such excess shall be paid to the individual by the Treasurer in accordance with subsection 5, provided that no claim to establish an additional deduction may be made after four years from the day of mailing of a notice of assessment of tax payable under this Act for the particular taxation year with respect to which the additional deduction is sought to be established or from the day of mailing of a notice that no tax under this Act is payable for such particular taxation year.

- 3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. ^{Commence-}_{ment}
- (2) Section 2 shall be deemed to have come into force on the 1st day of January, 1974 and applies to the 1974 and subsequent taxation years. ^{Idem}
4. This Act may be cited as *The Income Tax Amendment Act 1974*. ^{Short title}

