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Thank you for joining the webinar **on How to deliver financial supports for people with developmental disabilities**, hosted by Prosper Canada.

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### **Prosper Canada – Who we are**

Founded in 1986, Prosper Canada is a national charity dedicated to expanding economic opportunity for Canadians living in poverty through program and policy innovation.

As **Canada's leading champion of financial empowerment**, we work with governments, businesses and groups to develop and promote financial policies, programs and resources that transform lives and foster the prosperity of all Canadians.

We help service systems and organizations in all sectors to build proven financial empowerment approaches into their businesses in ways that:

- Are sustainable
- Help them achieve their goals
- Tangibly increase the financial well-being of the low-income people they serve.











### **Today's Webinar**

- 1. Introduction & Welcome
- 2. The Disability Tax Credit (DTC)
- 3. The Registered Disability Savings Plan (RDSP)
- 4. Provincial disability supports (ODSP example)
- 5. Trust Planning
- 6. Additional Considerations
- 7. Next Steps

**1. Introducing our speakers** 

# PROFESSIONAL CORPORATION



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# Federal tax credits, deductions, and benefits

#### **Tax credits**

 an amount that reduces taxes owing. Usually a set amount, value is the same irrespective of income, no value if person has no taxable income (i.e. disability tax credit).

#### Deductions

 an expense incurred that is deducted from income and reduces taxable income. Usually requires receipts, is worth more to higher income earners (i.e. disability supports deduction).

#### **Benefits**

a social benefit that is administered through the income tax system.
 (i.e. child disability benefit)

### 2. Disability Tax Credit (DTC) and its requirements

- The DTC is intended as a "fairness" measure to help offset the additional expenses associated with a severe and prolonged impairment;
- No age limit;
- May be claimed by the qualifying person themselves or transferred to supporting family members (i.e. parent or caregiver);
- May be claimed for the previous ten years under the fairness provisions of the *Income Tax Act.*

- The individual must be blind or require life sustaining therapy; OR
- The effects from impairment <u>markedly restrict</u> ability to perform activities of daily living, AND
- The physical or mental impairment is severe and prolonged, AND
- Medical practitioner <u>certifies</u> the above conditions

# **DTC Qualification Tests**

Markedly Restricted Test

- Unable to perform single basic <u>activity of daily living</u>; (i.e. Mental functions necessary for everyday life, Feeding, Speaking, Hearing, Elimination, Walking) OR
- Require an inordinate amount of time to perform a single activity of daily living, OR
- The cumulative effects (lower threshold) from performing two or more basic activities of daily living equal to 1 or 2 above.
- Restrictions must be present **substantially all of the time**.

### DTC Qualification Tests (Con't)

#### Prolonged Test

 Impairment has lasted, or can reasonably expect to last for a continuous period of 12 months.

**Certification Test** 

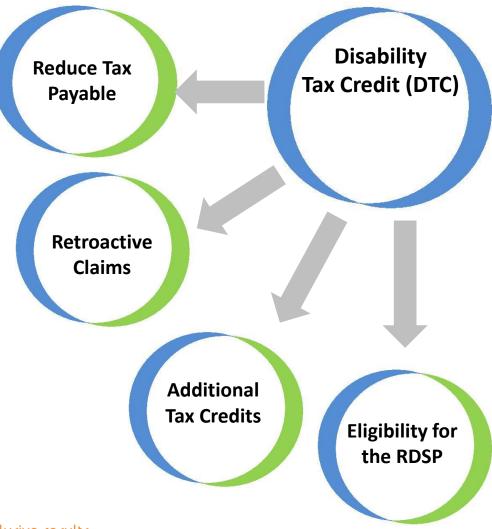
- Qualified medical practitioner certifies in prescribed form (T2201):
  - 1. Individual has prolonged severe impairment, AND
  - 2. Effects from impairment markedly restrict ability to perform basic activity of daily living.

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# What are the Features of the DTC?

#### Some of the features include:

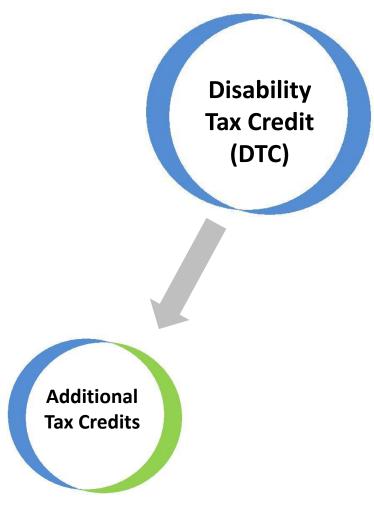
- 1) Reducing total Tax Payable for the individual with disability and/or their caregivers/spouse
- 2) Retroactive adjustments (max. up to 10 years) generate refunds
- 3) Enhancements to additional credits
- 4) Eligibility for the Registered Disability Saving Plan



### What are Additional Tax Credits?

Additional Tax Credits include:

- Amount for Infirm Dependent
- Caregiver Amount
- Family Caregiver Amount
- Supplement to Working Income Tax
- Enhancement to Medical Expenses
- Enhancement to Child Care Expenses
- Age limit extension to Children's fitness and Art amount
- Child Disability Benefit (supplement to CCTB)
- Canada Pension Plan (CPP) Disability Benefits



### **Provincial Tax Credits**

- Most provinces- parallel Disability Tax Credit amount (except Quebec)
- Revenue Quebec has separate qualification for the provincial impairment credit
- Parallel provincial caregiver credit amounts
- Each province may introduce specific disability tax related benefits from year to year
- For example, in Ontario, an individual eligible for the disability tax credit will also be able to claim the **provincial disability amount** (i.e. \$8,088).

### **Tax Credits and Amounts**

Non Refundable Tax Credit Rates and Amount	s 2016 (Federal)
Tax Rate Applied to Credits	15.00%
Eligible Dependant	\$11,474
Net Income Threshold	By province
Infirm Dependents over 18	\$6,788
Net Income Threshold	\$6,807
Disability Tax Credit	\$8,001
• Supplement	\$4,667
Medical Expenses Threshold	\$2,237
Caregiver	\$4,667
Net Income Threshold	\$15,940

### How does the DTC help to reduce my Tax?

#### Case Study: Example #1

Bill and Linda are married, live in Ontario, and support a 34 year old son Trevor with a developmental disability who lives with them. Trevor currently receives ODSP and has never applied for the disability tax credit.

#### **Result:**

If Trevor applies and qualifies for the DTC:

- Bill will receive a DTC transfer tax credit (approximately \$1,600 in tax Savings) in 2016.
- If Trevor qualifies for the DTC since birth, Bill will be entitled to a retroactive DTC transfer tax credit for the previous nine years that will generate a cash refund.
- Bill will also be entitled to a caregiver tax credit as well as the new family caregiver amount since 2012.

### **Medical Expenses: An overview**

- Tax credit for eligible medical expenses subject to threshold amounts
- Medical expenses may be claimed:
  - ➢ For yourself, spouse, or children under the age of 18
  - For dependents 18 years or older
- Refundable for certain low income working individuals
- Income Tax Act and Regulations list numerous eligible expenses
- Include expenses for amounts paid to group homes, care homes, nursing homes, special schools or institutions
- Budgets periodically expand list of eligible expenses—For example-new in 2014-cost of designing a therapy plan is an eligible medical expense

# **Medical Expenses**

#### Case Study: Example #2

When Trevor was in high school, Bill paid \$8,000 annually for three years for tutoring services to supplement his education. Bill was able to claim the full \$8,000 each year as a medical expense. Disability Tax Credit (DTC)

Additional Tax Credits

inclusive results

### **Questions?**



### **More resources and tools**

- Disability Tax Credit
  - Canada Revenue Agency tax credits for persons with disabilities

http://www.cra-arc.gc.ca/tx/ndvdls/sgmnts/dsblts/menu-eng.html

Form T2201 DTC Certificate

http://www.cra-arc.gc.ca/E/pbg/tf/t2201/README.html

– RC 4065 Medical Expenses

http://www.cra-arc.gc.ca/E/pub/tg/rc4065/README.html

- RC 4065 Disability Related Guide

http://www.cra-arc.gc.ca/E/pub/tg/rc4064/README.html

Disability Tax Fairness Report

http://publications.gc.ca/site/eng/267529/publication.html



# 3. The RDSP...

#### The **Registered Disability Savings Plan** (RDSP) is:

- A long-term savings vehicle designed for persons with disabilities
- One of a range of financial and estate planning tools
- Long-term savings plan that benefits individuals eligible for the **DTC**
- Contributions
  - Personal contributions of up to \$200,000 (personal contributions are not mandatory)
  - **Government** contributions of up to \$90,000
- Withdrawals
  - May be limited by a formula
  - Maximized if started 10 years after the government's last contribution

### Who Can Set Up an RDSP?

#### The "Holder"

• The person who sets up and manages the RDSP

#### **For Minor Children**

• Parents or legal guardians (parents remain holders once the person becomes an adult)

#### For Adults

- A beneficiary
- A person appointed by the beneficiary using a Power of Attorney
- A parent, spouse or common-law partner of the beneficiary (as of June 29, 2012)
- A person/entity legally authorized to act on the beneficiary's behalf (e.g. Guardian of Property)

# **Eligibility for the RDSP**

#### The "Beneficiary"

• The person who will benefit from the proceeds in the RDSP

#### You are an eligible Beneficiary if you:

- Have a valid Social Insurance Number
- Apply for an RDSP before the end of the calendar year in which you turn age 59
- Are a Canadian resident
- Qualify for the **Disability Tax Credit Certificate**

# **Contributing to an RDSP: Private Contributions**

- Anyone may contribute to the plan with the **written authorization** of the holder
- \$200,000 lifetime contribution limit
- No annual contribution limit
- Contributions are **not tax-deductible**
- Last contributions have to be made by the end of the calendar year the person turns 59

# **Contributing to an RDSP: Federal Contributions**

#### Eligibility

- Beneficiaries may be eligible for:
  - Canada Disability Savings Grants (CDSG)
  - Canada Disability Savings **Bonds** (CDSB)
- To receive the maximum Grants/Bonds:
  - File an income tax return for **two years prior** (2015 tax return for 2017 contributions)
  - Apply for the Canada Child Tax Benefit if the beneficiary is a child
- Grants/Bonds are paid until the calendar year in the which the beneficiary turns age <u>49</u> OR maximum amounts have been paid

# **Federal Contributions**

#### **Beneficiary's Family Income**

Amount of government contributions based on:

- For beneficiaries until the year they turn **<u>18</u>** years of age
  - Net adjusted (after deductions) family income
- For beneficiaries from the year they turn **<u>19</u>** years of age or older
  - The beneficiary's income
  - If married, the beneficiary's net adjusted family income

# **Canada Disability Savings Grant**

Beneficiary's Family Income 2015 for 2017 Grant	Grant (2017)	Maximum Annual Grant	Lifetime Maximum
\$91,831 or less	<ul> <li>\$3 for every \$1 contributed on the first \$500 (max. \$1,500 in grants)</li> <li>\$2 for every \$1 contributed on the next \$1,000 (max. \$2,000 in grants)</li> </ul>	<u>\$3,500</u> (based on \$1,500 contribution)	The first of \$70,000 OR the beneficiary turning age 49
More than \$91,831 * or no tax return	\$1 for every \$1 contributed on the first \$1,000 (max. \$1,000)	<u><b>\$1,000</b></u> (based on \$1,000 contribution)	The first of \$70,000 OR the beneficiary turning age 49

## **Canada Disability Savings Bond**

- No contributions are necessary but an RDSP must be opened
- Paid out annually by the Federal government
- Up to \$1,000 each year to a lifetime maximum of \$20,000 (or the end of the year the beneficiary turns age 49)

Beneficiary's Family Income 2015 for 2017 Bond	Amount of Bond \$\$ (2017)
\$30,000* or less	<u>\$1,000</u>
\$30,000 - \$45,916*	\$1,000 reduced on a pro-rated basis
More than \$45,916*	None

\* Income amounts shown are based on income tax returns filed for the 2015 tax year. These income thresholds will be indexed annually by CRA.

# **Carry Forward of Grant and Bond Entitlements**

- Government introduced a "catch up" measure in the 2010 Budget
- Beginning in January 2011

→ unused grant and bond entitlements from the past 10 years can be claimed (**back to 2008**)

 Beneficiary can claim until the end of the calendar year in which they turn <u>49</u> years of age

### Example of Carry Forward of Grant and Bond Entitlements

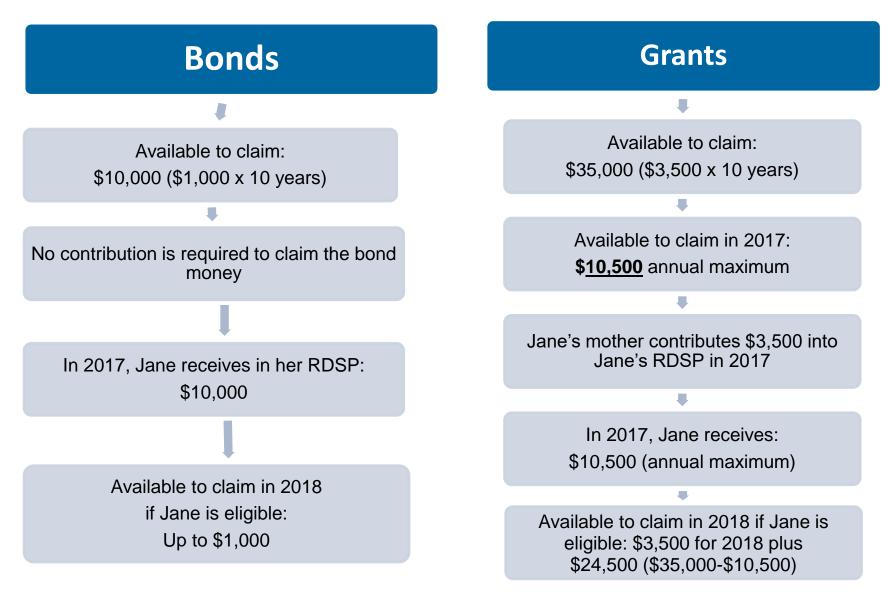
#### Example

- New RDSP opened in 2017
- Jane is 35 years old
- Jane's family income has been \$0 since 2006

#### **Unused Government Contributions**

- Grant → \$35,000
- Bond  $\rightarrow$  \$10,000

### What will Jane get?



inclusive results

### **Payments & Taxation**

- Withdrawals (payments) will result in the repayment of Grants and Bonds received in the last 10 years
- You must repay \$3 to the Government of Canada for every \$1 that is withdrawn, up to the total amount of bonds and grants
- Examples of withdrawals
  - Lifetime disability assistance payments (LDAP)
  - Disability assistance payments (DAP)
  - Terminal illness assistance payments

# **Payments (Withdrawals)**

#### 1. Lifetime Disability Assistance Payments (LDAP)

- Regularly scheduled periodic withdrawals
- May begin at any age, but must begin by the end of the year the beneficiary turns 60
- Amount determined by LDAP formula; takes into account the fair market value of the RDSP and the beneficiary's life expectancy

#### 2. Disability Assistance Payments (DAP)

 Unscheduled, lump sum withdrawals

# 3. (Terminal Illness) Disability Assistance Payments

- Where a doctor certifies that the beneficiary has five or less years to live
- Amounts may exceed LDAP formula
- 10-year repayment rule does not apply to lump sum withdrawals (up to specified amount)

# **Taxation of Payments**

- Earnings grow on a tax-deferred basis
- Grants, Bonds, and growth are **taxable upon withdrawal**

#### Example

- RDSP has \$100,000
  - \$30,000 private contributions (30%)
  - \$60,000 in government contributions (60%)
  - \$10,000 in growth (10%)
- For any withdrawal, <u>70%</u> (i.e., government contributions and growth) would be considered taxable income in the hands of the beneficiary

# **Transferring Retirement Savings to an RDSP**

- Parent or grandparent of financially dependent child or grandchild can transfer retirement savings to an RDSP upon passing away <u>tax-free</u>
- Savings must be in a Registered Retirement Savings Plan (RRSP), Registered Retirement Income Fund (RRIF) or Registered Pension Plan (RPP)
- Maximum transfer is \$200,000 and forms part of lifetime contribution limit
- Note: Government Grants will **not** be paid on transfers

# **Rollover of RESP Investment Income**

- Allow for transfer of RESP earnings to RDSP on tax-deferred-basis
- RDSP & RESP must have common beneficiary and <u>one</u> of the following conditions must be met:
  - Beneficiary prevented from attending post-secondary education due to disability
  - RESP opened for at least 10 years and beneficiary is at least 21 and not pursuing post-secondary education
  - RESP opened for at least 35 years
- Rollover forms part **of lifetime contribution limit** (\$200,000)
- RESP contributions **returned to subscriber**
- RESP Grants and Bonds are returned to **government**

## **The RDSP & Other Government Programs**

#### • **Provincial Programs**

- In most provinces, the RDSP <u>will not</u> impact provincial assistance programs such as housing or provincial disability support programs (such as ODSP in Ontario, or Ontario Works)
- Assets
  - Assets in an RDSP are exempt for determining eligibility of programs

#### • Income

 Funds received from RDSPs can be used for any purpose as long as they are for the benefit of the beneficiary (partial exemptions apply in Quebec, New Brunswick and Prince Edward Island)

# **The RDSP & Other Government Programs**

#### **Federal Programs:**

The RDSP <u>will not</u> impact the following federal programs:

- Old Age Security (OAS)
- Guaranteed Income Supplement (GIS)
- Canada Pension Plan (CPP)
- GST Benefit

# **Closing an RDSP: If the Beneficiary Passes Away**

- RDSP must be closed by the end of the following calendar year
- Any Grants or Bonds received **within the last 10 years** must be repaid to the government
- Original contributions not taxable
- Remainder taxed to beneficiary's **Estate**
- Proceeds pass to the Estate of the beneficiary
  - distributed in accordance with will or intestacy law

## **Closing an RDSP:** If the Beneficiary Loses DTC Eligibility

- RDSP must be **collapsed**
- Any Grant or Bond received within the last 10 years must be **repaid** to the government
- Proceeds become an asset of the beneficiary (this could impact eligibility for other programs such as ODSP)
- Original contributions not taxable
- Remainder taxed in the hands of the beneficiary

#### As of Jan. 1, 2014

- RDSP can remain open (but dormant) for up to five years
- Medical certification that beneficiary will likely be DTC eligible in foreseeable future required
- No contributions can be made
- No government contributions paid or accumulated

#### **More resources and tools**

The RDSP

Canada Revenue Agency – The RDSP

http://www.cra-arc.gc.ca/rdsp/

ESDC – RDSP fact sheet

https://www.canada.ca/en/employment-socialdevelopment/programs/disability/savings/publications-rdsp-facts.html

Plan Institute – RDSP

http://www.rdsp.com/

Canada Revenue Agency – RDSP information sheet

http://www.cra-arc.gc.ca/E/pub/tg/rc4460/rc4460-16e.pdf

- Plan/Prosper Canada - The RDSP calculator

http://www.rdsp.com/calculator/



#### **Questions?**



## 4. Provincial disability supports

- Each province has its own social assistance program designed for persons with disabilities
- Typically eligibility involves:
  - Financial eligibility
  - Disability determination
- Financial eligibility involves rules applying to a person's asset and income levels

#### From the Vancouver Sun (January 13, 2017)

#### Disability payments versus poverty line, by province

How annual disability payments compare to the Statistics Canada-defined low-income cut-off (or poverty line)

Disabilit Province	y annual income	2015 poverty line	Disability Shortfall	Shortfall in %
Nfld.	\$11,188	\$17,240	\$6,052	35.1%
P.E.I.	\$9,989	\$17,025	\$7,036	41.3%
Nova Scotia	\$10,018	\$17,240	\$7,222	41.9%
New Brunswick	\$9,528	\$17,240	\$7,712	44.7%
Quebec	\$12,510	\$20,386	\$7,876	38.6%
Ontario*	\$14,239	\$20,386	\$6,147	30.2%
Manitoba	\$10,940	\$20,386	\$9,446	46.3%
Saskatchewan- temporary**	\$11,358	\$17,240	\$5,882	34.1%
Saskatchewan- permanent**	\$15,403	\$17,240	\$1,837	10.7%
Alberta-temporary**	\$9,997	\$20,386	\$10,389	51.0%
Alberta-permanent**	\$19,468	\$20,386	\$918	4.5%
B.C.***.	\$11,416	\$20,386	\$8,970	44.0%

\*Data source: Welfare in Canada report, the Caledon Institute of Social Policy, Nov 2016

## **Provincial Support example: The ODSP**

#### What is the **ODSP?**

- Provincial income support program for people with substantial physical or mental disability expected to last a year or more, and affects ability to care for one's self, take part in community or work
- 18 to 65 years of age
- Amount of income depends on family size, income, assets and housing costs
- <a href="http://www.mcss.gov.on.ca/en/mcss/programs/social/odsp/">http://www.mcss.gov.on.ca/en/mcss/programs/social/odsp/</a>

Determination based on **financial eligibility** as well as **disability** 

- Some **exempt** assets and income (i.e. principal residence, RDSP, RESP)
- Some **non-exempt** assets and income (i.e. CPP, child support)

## **5. Estate and Trust Planning**

- What is estate planning?
  - An opportunity to express binding instructions and clear wishes with regards to how your assets will be managed and disposed of upon your death

#### Your Trusts: What is a trust?



Settlor

Trustee(s)

#### **Beneficiaries**

## **Your Trusts: Common Types of Trusts**

- Inheritance/ODSP/Shelter Trust (provincial variations)
- Henson Trust (provincial variations)
- Qualified Disability Trust (federal)
- Lifetime Benefit Trust (federal)
- Staged trust (for minors)

#### **Your Trusts: Henson Trust**

#### **Henson Trust**

- Absolute discretionary trust
- Not considered an asset by ODSP
- No monetary limit applies
- Residual beneficiary(ies) named
- Inter-vivos (living) or testamentary (in a will) trust
- Consider naming multiple trustees

## Your Trusts: Qualified Disability Trust

#### **Qualified Disability Trust**

- Allows income to be taxed at graduated rates
- In order to qualify:
  - Trust be resident of Canada
  - At least one beneficiary must qualify for the DTC
  - Trust capital cannot be paid to non-qualifying beneficiary
- Beneficiary can only benefit from one QDT

## **Your Trusts: Lifetime Benefit Trust**

#### **Lifetime Benefit Trust**

- Allows for RRSP/RRIF rollover to trust on tax-deferred basis
- In order to qualify:
  - Beneficiary must be child, grandchild, spouse of common-law partner
  - Child/grandchild must be dependent on deceased at time of death due to mental disability
  - LBT named as annuitant of "qualified trust annuity"

## **Your Trusts: Trustee Considerations**

#### When selecting a trustee

- Honest and trustworthy
- Highly involved in beneficiary's life
- Sensitive to beneficiary's needs and wants
- Understands social assistance rules in your province
- Age
- Investments and income tax
- Record-keeping
- Be aware of potential conflicts of interest!

## 6. Additional Considerations

- Life insurance
- Home ownership options
- Self-directed support organizations (i.e. microboards, arohas, etc.)
- Accessing services & supports
- **Consent**, **capacity**, legal decision-making (POAs, guardianship, representation agreements)

## 7. Conclusions and Next Steps

- 1. Prioritize your planning
- 2. Gather your information
- 3. Identify your people
- 4. Select your professionals

# Questions



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## Thank you for joining us!

- We will be sending you an email soon with:
  - Slides from today's webinar
  - Link to webinar recording
  - Link to post webinar survey
- We will also post the recorded webinar at <u>www.prospercanada.org</u> under 'Resources'



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