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INVESTMENT, TAX AND LIFESTYLE PERSPECTIVES FROM RBC WEALTH MANAGEMENT SERVICES



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## Charitable donations

What you need to know when you make a personal donation

**To encourage charitable giving, the government provides you with a tax credit when you make a donation to a registered charity. This donation tax credit can be used to reduce your taxes payable. This article provides an overview of how you can qualify for the donation tax credit and how the tax credit is calculated.**

### Qualifying donations

To qualify for the donation tax credit, you must make a donation to a qualified donee. Qualified donees are generally those organizations which can issue donation receipts for the gifts received from individuals or corporations. They can be charitable organizations, public foundations or private foundations. Typically, a registered charity is a qualified donee. In this article, the terms qualified donees and registered charities are used interchangeably.

The Canada Revenue Agency (CRA) keeps a list of qualified donees which you can check to determine if a particular charity is registered and can issue donation receipts. The CRA considers a gift to be a voluntary transfer of money or property for which you expect and receive no consideration. You can make these gifts by cash or in-kind.

Donation receipts are issued for the eligible amount of a gift to a qualified donee, this is generally the value of

the donation. In certain instances, an advantage may be deemed to be received which reduces the amount of the eligible donation. An advantage is “generally the total value of any property, service, compensation, use or any other benefit you are entitled to as partial consideration for, or in gratitude for, the gift.” An example of this would be if you purchased a table for a charity benefit and it cost \$500. The value of the food and party is considered an advantage with a value of \$250, therefore the eligible donation amount would be \$250 (\$500 less the \$250 advantage amount).

In order to receive an eligible donation receipt for a particular tax year, the donation needs to be made by December 31 of the tax year.

### Mechanics of the donation tax credit

When you make a donation to a registered charity, you can choose to claim a tax credit on your personal tax return. The donation tax credit

reduces your federal and provincial income taxes in the year you make the claim.

The donation tax credit is non-refundable which means the tax credit cannot reduce the amount of your tax below zero. Federally, there are three levels of tax credits that may be available to you depending on your taxable income and the amount of the donation. The table below illustrates how you calculate your donation tax credit.

The CRA allows you and your spouse to combine your donations made in a given tax year and the previous five years to the extent you have unclaimed donations for the purposes of the donation tax credit.

	First \$200 of donations	For individuals who are not subject to the highest federal tax bracket of 33%	For individuals who are subject to the highest federal tax rate of 33%
<b>Federal Donation Credit</b>	Federal tax credit of 15%.	Any excess donation over \$200 will result in a tax credit of 29%.	33% on the lesser of: <ul style="list-style-type: none"> <li>• The amount by which the individual's total gifts for the year exceed \$200, and</li> <li>• The amount by which the individual's taxable income exceeds the dollar threshold for the top personal rate</li> </ul> and 29% on the individual's total gifts for the year above \$200 that is not eligible for the 33% rate above.
<b>Example</b>	An individual claims \$200 in donations. This will provide them with a federal tax credit of \$30 ( $\$200 \times 15\%$ ).	An individual claims a total of \$1,000 in donations. The first \$200 will generate a \$30 federal tax credit, while the remaining \$800 will generate a \$232 federal tax credit for a total of \$262 ( $\$200 \times 15\% + \$800 \times 29\%$ ).	An individual has taxable income of \$215,000 and makes a charitable donation of \$20,000, their tax credit would be calculated as follows: <ul style="list-style-type: none"> <li>• \$30 (<math>15\% \times \\$200</math>); plus</li> <li>• \$4,950 (<math>33\% \times \\$15,000</math>), which is the lesser of \$19,800 (<math>\\$20,000 - \\$200</math>) or \$15,000 (<math>\\$215,000 - \\$200,000</math>);</li> </ul> plus • \$1,392 ( $29\% \times \$4,800$ ), which is calculated as $\$20,000 - \$200 - \$15,000$ . Overall this will provide them with a \$6,372 federal donation tax credit.

1) We assume in this example that taxable income above \$200,000 is subject to the top federal income tax rate of 33%.

In addition to the federal tax credit illustrated above, you may also receive a provincial donation tax credit. The amount of the credit will vary depending on your province of residence. If you currently live in a province that has a surtax (currently Prince Edward Island and Ontario have a surtax), the donation tax credit will reduce your taxes payable which will reduce your surtax payable.

### Donation timing and carry forward

You are not required to claim the donation tax credit in the year you make the donation. Instead, you may carry it forward for up to five years. This gives you flexibility with regards to claiming your donations. For instance, it may make sense to save all your donations for a higher income

year in order to maximize the credit you receive at the higher federal rate. If you make small annual donations, it may make sense to claim the combined donations to utilize the higher credit for gifts above \$200 in a future year.

### Maximizing the donation tax credit between spouses

The CRA allows you and your spouse to combine your donations made in a given tax year and the previous five years to the extent you have unclaimed donations for the purposes of the donation tax credit. This enables you and your family to maximize your donation tax credit. If both you and your spouse have made separate donations, considering pooling them and reporting them on the tax

return of the spouse who will benefit the most from them. This will generally be the higher income spouse.

### Limit on donation amount

There is no limit to the amount you can donate in a year. However, for tax purposes, you can generally only claim a charitable donation of up to 75% of your net income in a taxation year. The limit is 100% of your net taxable income for Quebec. This limit is also raised to 100% of net income in the year of death and the preceding year.

For example, assume Jane's net income for the year is \$100,000. She received a large inheritance in the same year and decides to make a donation of \$200,000 to her favourite charity. Jane will only be able to claim a maximum of \$75,000 (75% x \$100,000) of donations for tax purposes this year. Jane can carryforward the remainder for a maximum of five years.

### Bequests under a Will

Starting in the 2016 tax year, tax rules became more flexible with regards to donations made after death. When a gift is made in your Will (or by beneficiary designation under an RRSP, RRIF, TFSA or life insurance policy), the donation is deemed to be made by the estate at the time the donation is made to a qualified donee. The donation tax receipt will be based on the fair market value of the gift at the time the property is transferred to the qualified donee.

The executor/liquidator of an individual's estate may have some flexibility in their use of the donation tax credit if at the time the donation is made, the estate is a "Graduated Rate Estate" (GRE). A GRE is an estate that arises on and as a consequence of the individual's death and satisfies the following conditions:

- The estate is a testamentary trust for tax purposes;
- No more than 36 months have passed since the deceased's date of death;
- The estate designates itself, in its T3 return of income for its first taxation year (or if the estate arose before 2016, for its first taxation year after 2015), as the individual's GRE;
- No other estate is designated as a GRE of the individual (there can only be one GRE); and
- The estate includes the deceased individual's Social Insurance Number in its return of income for each taxation year of the estate that ends after 2015.

If the estate is a GRE at the time the property is transferred to the charity, the executor/liquidator has the flexibility to allocate the donation tax credit among:

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- The taxation year of the estate in which the donation is made;
- An earlier taxation year of the estate;
- The last two taxation years of the deceased individual; or
- Any of the five taxation years of the estate subsequent to the donation.

If the executor/liquidator makes the donation in the fourth or fifth year of the estate, and the estate continues to meet the requirements of the definition of a GRE, other than the 36 month existence requirement, the executor/liquidator may use the donation tax credit in the taxation year of the estate in which the donation is made; any prior year of the GRE; or the last two taxation years of the deceased individual. The donation tax credit may also be carried forward five years.

In addition, to benefit from this flexible use of the donation tax credit, the donated property must be property that was acquired by the estate on and as a consequence of the death (or property that was substituted for such property).

### Conclusion

Making charitable donations provides you with a chance to give back to your community and receive tax incentives at the same time. This article provides a summary of the basic tax incentives when you donate personally. If you are thinking about donating through your private corporation or donating securities in-kind, speak with your RBC advisor for more information.

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