



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **REVENUE ADMINISTRATION ACT REGULATIONS**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to September 26, 2015. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

If you find any errors or omissions in this consolidation, please contact:

*Legislative Counsel Office*

*Tel: (902) 368-4292*

*Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)*



**REVENUE ADMINISTRATION ACT**  
**Chapter R-13.2**  
**REGULATIONS**

Pursuant to section 28 of the *Revenue Administration Act* R.S.P.E.I. 1990, Cap. R-13.2, Council made the following regulations:

**PART I — REVENUE TAX**

**1. Definitions**

- (1) In this Part “**Act**” means the *Revenue Tax Act* R.S.P.E.I. 1988, Cap. R-14 and other terms such as “**goods**”, “**purchaser**”, “**tax**” and “**vendor**” have the same meaning as set out in that Act.

**Record, defined**

- (2) In this Part, “**record**” means any information set down by handwriting, books of account, document, drawing, typewriting, printing, photocopying, photographing, magnetic impulse, mechanical or electronic recording or any other means. (*EC390/91; 197/11*)

**2. Monthly return**

- (1) On or before the twentieth day of each month every vendor shall make a return to the Commissioner in such form as may be approved by the Minister of all sales of goods made by him during the calendar month immediately preceding and shall remit to the Minister the tax collected and deposits received by him during such period.

**Particular returns**

- (2) Notwithstanding subsection (1), a vendor shall make a return to the Commissioner of all sales of goods made by him at any time required by the Commissioner covering such period as the Commissioner may determine, and shall therewith remit to the Minister the tax collected and deposits received by him during such period.

**Return for each place of business**

- (3) Unless a consolidated return has been approved by the Commissioner, every vendor shall make a separate return in respect of each place of business operated by him.

**Return where no sales**

- (4) Whenever a vendor is required to make a return of the sales of goods made by him and the vendor has made no sales of goods during the period in respect of which the return is required to be made, he shall make a return setting forth that fact.

**Assignee, liquidator, etc. to remit taxes**

- (5) For the purpose of subsection 17(2) of the Act, any person referred to in subsection 17(1) of the Act shall remit to the Minister by certified cheque or bank draft within thirty days after demand all unremitted taxes collected by and deposits received by the vendor prior to the person taking control or possession of the vendor's property or carrying on or managing the business of the vendor. (EC390/91)

**3. Particulars**

- (1) Every vendor shall keep and maintain records sufficient to furnish the Commissioner with the necessary particulars of
- (a) sales of goods;
  - (b) goods purchased or taken from stock by the vendor for his own consumption or use;
  - (c) out-of-province sales;
  - (d) non-taxable sales;
  - (e) taxable sales;
  - (f) amount of tax due or collected; and
  - (g) disposal of tax including commission taken.

**Records maintained in electronic form**

- (1.1) Where a vendor maintains the records set out in subsection (1) in electronic form, that vendor must ensure, for as long as those records are required to be preserved, that the records
- (a) remain complete and unaltered, apart from any changes or additions made in the normal course of communication, storage or display, from the time they were first made in final form;
  - (b) are accessible by the vendor which is required to retain them; and
  - (c) are capable of being printed and of being produced in electronically readable format for inspection, examination or audit.

**Inspection of electronically maintained records**

- (1.2) In order to inspect records that are maintained electronically at the place of inspection, the Commissioner, an inspector or any person authorized by the Minister may require the vendor to produce the records in the form of a printout or to produce them in an electronically readable format, or to do both.

**Preservation of records**

- (2) Every vendor shall preserve all records until such time as the Commissioner may authorize their destruction. (EC390/91; 197/11)

**4. Allowance or commission**

- (1) A vendor may be paid for the services rendered by the vendor, during a fiscal year of the province, in collecting and remitting the tax, and in receiving and remitting deposits to the Minister, a sum equivalent to three per cent of the amount of the tax collected or deposits



received by the vendor to a maximum of \$300 for each fiscal year of the province, if the vendor reported tax collected or deposits received for the immediately preceding fiscal year of the province in an amount less than or equal to \$10,000.

**No allowance or commission, circumstances**

- (1.1) A vendor shall not be paid for the services rendered by the vendor, during a fiscal year of the province, in collecting and remitting the tax, and in receiving and remitting deposits to the Minister, if the vendor reported tax collected or deposits received for the immediately preceding fiscal year of the province in an amount greater than \$10,000.

**Disallowance**

- (2) The Minister may disallow payments of such allowance to any vendor where he is satisfied that the vendor has failed to receive a deposit or to collect a tax or to make a return required of him by or under the Act or regulations. *(EC390/91; 252/12; 570/15)*

**5. Charged items**

Where a vendor has made sales on a charge basis without collecting the tax at the time of sale he is obliged to report such sales in his monthly return under the taxable sales heading and report and pay the tax thereon. *(EC390/91)*

**6. Sale by instalments**

- (1) The tax shall be collected on the total amount of a sale for which payment may be received by instalments.

**Idem**

- (2) For greater certainty, in the computation of the tax, the total amount referred to in subsection (1) includes any amount received in cash at the time of the sale and all payments to be received later, but does not include interest and finance charges that form part of the contract but appear as separate items. *(EC390/91; 570/15)*

**7. Registration of each place of business**

- (1) Where a vendor carries on business at more than one place, he shall obtain a registration certificate in respect of each individual place of business.

**Display of certificate**

- (2) The registration certificate shall be displayed in a prominent place on the premises; provided that in cases where a vendor has no fixed place of business in the province, he shall keep his certificate on his person at all times while doing business and produce it upon request to a purchaser or a duly authorized representative of the Commissioner.

**Agents**

- (3) Where agents make sales on behalf of a principal and do not have any fixed place of business, a registration certificate shall be obtained for each agent and, the agent shall keep the certificate on his person at all times while doing business and produce it upon request to a purchaser or a duly authorized representative of the Commissioner.

**Return of certificate**

- (4) Where an agent ceases to carry on business in respect of which a registration certificate has been issued, the certificate shall thereupon be void and he shall return the same to the Commissioner within fifteen days of the date of discontinuance. (EC390/91)

**8. Cancellation of vendor's certificate**

- (1) Subject to the approval of the Minister, the Commissioner may cancel or suspend the registration certificate of any vendor under the following circumstances:
- (a) where a vendor has been found guilty of an offence under the Act or under any statute of the province or regulations approved pursuant thereto;
  - (b) where the Commissioner has reason to believe a vendor has been or is carrying on business in contravention of a statute of the province or regulations approved pursuant thereto;
  - (c) where a vendor is in default in remitting tax collected and deposits received by him under the Act; or
  - (d) where a certificate has been filed with the Registrar of the Supreme Court under section 13 of the *Revenue Administration Act*.

**Reinstatement of cancelled certificate**

- (2) The Commissioner may reinstate a registration certificate which has been suspended or cancelled under the following circumstances:
- (a) where the Commissioner is satisfied that the vendor has complied with the decision of the court in regard to the offence of which he was found guilty;
  - (b) where the vendor has remitted to the province all tax collected and the deposits received by him which were due and payable; or
  - (c) where the vendor has discharged the certificate filed with the Prothonotary of the Supreme Court by payment of the amount due therein.

**Vendor may appear**

- (3) Before a refusal, suspension, or a cancellation may be made the vendor shall be afforded an opportunity to appear before the Commissioner 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. (EC390/91)

**8.01 Cancellation of permits**

- (1) The Minister may cancel or suspend a permit issued under section 13.1 of the *Revenue Tax Act Regulations* (EC262/60) if the permit holder fails to comply with any provision of the *Revenue Administration Act* or a revenue Act, or any regulations made thereunder.

**Reinstatement of cancelled permit**

- (2) The Minister may, after cancelling or suspending a permit, reinstate the permit if the Minister is satisfied that the permit holder has complied with every provision of the *Revenue Administration Act* or a revenue Act, or any regulations made thereunder, with which the permit holder had previously failed to comply. (EC292/03)



**8.1 Rebate of tax by vendor in respect of bad debt**

- (1) The Minister may, in accordance with this section, rebate tax to a vendor that the vendor remitted to the Minister in respect of a sale of goods by the vendor to a purchaser if the Minister is satisfied that
- (a) the vendor has given credit to the purchaser with respect to the sale of goods, together with revenue tax payable by the purchaser;
  - (b) the purchaser has defaulted in the payment to the vendor of all or part of the amount payable to the vendor in respect of the sale;
  - (c) the vendor has written off as a bad debt in the vendor's books of account the unpaid amount payable to the vendor in respect of the sale; and
  - (d) the write-off of the unpaid amount payable to the vendor as a bad debt is in accordance with generally accepted accounting principles, as recognized by the Canadian Institute of Chartered Accountants, applicable at the time of the write-off.

**Circumstances in which rebate may not be payable**

- (2) Notwithstanding subsection (1), no rebate of tax shall be made to a vendor under this section in respect of an unpaid amount payable to the vendor if
- (a) the vendor does not claim the rebate within four years from the effective date of the vendor's write-off of the unpaid amount as a bad debt;
  - (b) the vendor is entitled to offset the unpaid amount against an amount payable by the vendor to the purchaser;
  - (c) the vendor has assigned, without recourse and for consideration, other than for security purposes, part or all of the unpaid amount; or
  - (d) the payment for the purchase was made through the use of a credit card that is not issued by the vendor.

**Calculation of rebate**

- (3) The tax that may be rebated to a vendor under this section shall be determined in accordance with the following formula:

$$\text{Rebate} = A \times B/C$$

where,

- A is the tax remitted by the vendor with respect to the sale of goods to the purchaser;
- B is the unpaid amount payable to the vendor less all amounts, if any, required by subsection (4) to be deducted from the unpaid amount for the purposes of determining the amount of the rebate of tax under this section; and
- C is the total amount that was payable in respect of the sale, including any federal excise and sales taxes and the amount of tax imposed by the Act.

**Deductions from unpaid amount**

- (4) For the purposes of determining the amount of a rebate of tax under this section in respect of an unpaid amount payable to a vendor, the following amounts, to the extent they are applicable, shall be deducted from the unpaid amount:
- (a) all interest, finance, carrying, collection or similar charges imposed by the vendor with respect to the sale, except to the extent the charges form part of the fair value of the goods sold by the vendor for the purposes of determining the amount of tax payable under the Act in respect of the sale;
  - (b) all proceeds of sale received by the vendor on any repossession and resale of the property on account of the unpaid amount;

- (c) all amounts received by the vendor on the realization of any security given to secure the unpaid amount payable to the vendor;
- (d) if the goods sold by the vendor to the purchaser are repossessed and leased by the vendor or are taken out of inventory and used by the vendor or by others at the vendor's expense, the fair value of the goods at the time of the leasing or change in use.

**Rules governing claims for rebate**

- (5) The following rules apply for the purposes of claiming a rebate of tax under this section:
  - (a) the vendor may claim only one rebate under this section in respect of a sale;
  - (b) the vendor may claim the rebate by making an adjustment to the vendor's tax liability account for the amount of the rebate claimed;
  - (c) the vendor shall make only one adjustment to the vendor's tax liability account during any 12-month period for all claims for rebate of tax under this section, unless the vendor has applied in writing to the Commissioner for consent to make an additional adjustment and the Commissioner has consented to the making of the additional adjustment to the account;
  - (d) the vendor shall retain in the vendor's records sufficient information and documentation to permit the verification to the satisfaction of the Commissioner of the correct amount of the tax rebate.

**Repayment of rebate**

- (6) If, after claiming a rebate of tax under this section, a vendor recovers from any person or through any means, other than a rebate under this section, any of the unpaid amount payable to the vendor in respect of which the rebate of tax was claimed, the vendor shall repay to the Minister by way of adjustment to the vendor's tax liability account the same percentage of the rebate made under this section that the amount recovered by the vendor is of the amount designated as "B" in the formula in subsection (3) in respect of the unpaid amount.

**Idem**

- (7) For the purposes of subsection (6), the repossession of goods and the sale or use by the vendor or by others at the vendor's expense of the repossessed goods shall be considered to be a recovery of part or all of the unpaid amount payable to the vendor in respect of the sale of the goods to the extent of the lesser of the unpaid amount and,
  - (a) the proceeds from the sale, if the repossessed goods are the subject of a resale; or
  - (b) the fair value of the goods if the repossessed goods are used by the vendor or by others at the vendor's expense. (EC407/93; 185/08)

**PART II — TOBACCO TAX**

**9. Act, defined**

In this Part, "Act" means the *Tobacco Tax Act* R.S.P.E.I. 1988, Cap. T-3.11 and other terms such as "consumer", "retail licensed vendor" and "licensed wholesale vendor" have the same meaning as set out in that Act. (EC390/91; 148/08)

**10. Allowance for commission**

- (1) - (2) Revoked by EC252/12. (EC390/91; 148/08; 252/12)



**11. Returns**

- (1) On or before the fifteenth day of each month a licensed wholesale vendor shall file a return with the Commissioner, in a form approved by the Commissioner, reporting all sales of tobacco made by the licensed wholesale vendor during the calendar month immediately preceding and shall remit to the Minister the tax collected during the period.

**Idem**

- (2) Notwithstanding subsection (1), a licensed wholesale vendor shall, at any time required by the Commissioner, file a return reporting all sales of tobacco made by the licensed wholesale vendor covering such period as the Commissioner may determine, and shall therewith remit to the Minister the tax collected during that period.

**Idem**

- (3) Unless a consolidated return has been approved by the Commissioner, every licensed wholesale vendor shall make a separate return under this section for each place of business operated by the licensed wholesale vendor.

**Idem**

- (4) Where a licensed wholesale vendor is required to file a return reporting the sales of tobacco and no sales of tobacco are made during the period for which the return is required to be filed, the licensed wholesale vendor shall make a return setting forth that fact. (*EC390/91; 208/94; 148/08*)

**12. Disposal of or discontinuance of business**

When a licensed wholesale vendor disposes of or discontinues business, the licensed wholesale vendor must, within ten days thereafter, file a return reporting the sales of tobacco made during the unreported period for which the return is required to be filed, and remit any tax collected. (*EC390/91; 148/08*)

**13. Disposal of business**

Revoked by EC148/08. (*EC390/91; 148/08*)

**PART II.1 — ENVIRONMENT TAX****13.1 Definition, Act**

- (1) In this Part, “**Act**” means the *Environment Tax Act* R.S.P.E.I. 1988, Cap. E-8.3, and other terms such as “**new tires**”, “**purchaser**”, “**tax**” and “**registered vendor**” have the same meaning as set out in that Act.

**Definition, record**

- (2) In this Part, “**record**” means any information set down by handwriting, books of account, document, drawing, typewriting, printing, photocopying, photographing, magnetic impulse, mechanical or electronic recording or any other means. (*EC570/15*)

**13.2 Quarterly return**

- (1) On or before the twentieth day of the month immediately following the end of each calendar quarter, every registered vendor shall make a return to the Commissioner, in the form

approved by the Minister, reporting all sales of new tires made and the tax collected by the registered vendor during the three-month period immediately preceding, and shall remit to the Minister the tax collected during that period.

**Particular returns**

- (2) Notwithstanding subsection (1), a registered vendor shall make a return to the Commissioner of all sales of new tires made and tax collected by the registered vendor at any time required by the Commissioner covering such period as the Commissioner may determine, and shall therewith remit to the Minister the tax collected during such period.

**Return for each place of business**

- (3) Unless a consolidated return has been approved by the Commissioner, every registered vendor shall make a separate return in respect of each place of business operated by the registered vendor.

**Return where no sales**

- (4) Whenever a registered vendor is required to make a return as required by subsection (1) and the registered vendor has made no sales of new tires during the period in respect of which the return is required, the registered vendor shall make a return setting forth that fact.

**Assignee, liquidation etc. to remit tax**

- (5) For the purpose of subsection 1.5(2) of the Act, any person referred to in subsection 1.5(1) of the Act shall remit to the Minister by certified cheque or bank draft, within thirty days after demand, all unremitted taxes collected by the registered vendor prior to the person taking control or possession of the registered vendor's property or carrying on or managing the business of the registered vendor. (EC570/15)

**13.3 Particulars**

- (1) Every registered vendor shall keep and maintain records sufficient to furnish the Commissioner with the necessary particulars of
- (a) sales of new tires;
  - (b) new tires purchased for the registered vendor's own consumption or use;
  - (c) new tires taken from inventory for the registered vendor's own consumption or use;
  - (d) out-of-province sales of new tires;
  - (e) non-taxable sales of new tires;
  - (f) taxable sales of new tires;
  - (g) amount of tax due or collected; and
  - (h) disposal of tax including commission taken.

**Records maintained in electronic form**

- (2) Where a registered vendor maintains the records set out in subsection (1) in electronic form, that registered vendor must ensure, for as long as those records are required to be preserved, that the records
- (a) remain complete and unaltered, apart from any changes or additions made in the normal course of communication, storage or display, from the time they were first made in final form;
  - (b) are accessible by the registered vendor which is required to retain them; and
  - (c) are capable of being printed and of being produced in electronically readable format for inspection, examination or audit.



**Inspection of electronically maintained records**

- (3) In order to inspect records that are maintained electronically at the place of inspection, the Commissioner, an inspector or any person authorized by the Minister may require the registered vendor to produce the records in the form of a printout or to produce them in an electronically readable format, or to do both.

**Presentation of records**

- (4) Every registered vendor shall preserve all records until such time as the Commissioner may authorize their destruction. *(EC570/15)*

**13.4 Allowance or commission**

- (1) A registered vendor may be paid for the services rendered by the registered vendor, during a fiscal year of the province, in collecting and remitting the tax to the Minister, a sum equivalent to three per cent of the amount of the tax collected by the registered vendor to a maximum of \$300 for each fiscal year of the province, if the registered vendor reported tax collected or deposits received for the immediately preceding fiscal year of the province in an amount less than or equal to \$10,000.

**No allowances or commission circumstances**

- (2) A registered vendor shall not be paid for the services rendered by the registered vendor, during a fiscal year of the province, in collecting and remitting the tax to the Minister, if the registered vendor reported tax collected for the immediately preceding fiscal year of the province in an amount greater than \$10,000.

**Disallowance**

- (3) The Minister may disallow payments of the allowance to any registered vendor where the Minister is satisfied that the registered vendor has failed to collect the tax or to make a return as required under the Act or the *Revenue Administration Act* or these regulations. *(EC570/15)*

**13.5 Charged items**

Where a registered vendor has made sales on a charge or instalment basis without collecting the tax at the time of sale the registered vendor is required to report such sales in the quarterly return for the period in which the sale took place and report and remit the tax thereon. *(EC570/15)*

**13.6 Sale by instalments**

- (1) The tax shall be collected on the total amount of a sale for which payment may be received by instalments.

***Idem***

- (2) For greater certainty, in the computation of the tax, the total amount referred to in subsection (1) includes any amount received in cash at the time of the sale and all payments to be received later, but does not include interest and finance charges that form part of the contract but appear as separate items. *(EC570/15)*

**13.7 Cancellation of vendor's certificate**

- (1) Subject to the approval of the Minister, the Commissioner may cancel or suspend the registration certificate of any registered vendor under the following circumstances:

- (a) where a registered vendor has failed to comply with any provision of the Act or the *Revenue Administration Act* or these regulations;
- (b) where the Commissioner has reason to believe a registered vendor has been or is carrying on business in contravention of the Act or the *Revenue Administration Act* or these regulations;
- (c) where a registered vendor is in default in remitting tax collected by the registered vendor under the Act; or
- (d) where a certificate has been filed with the Registrar of the Supreme Court under section 13 of the *Revenue Administration Act*.

**Reinstatement of cancelled certificate**

- (2) The Commissioner may reinstate a registration certificate which has been suspended or cancelled under the following circumstances:
  - (a) where the Commissioner is satisfied that the registered vendor has complied with the provision of the Act or the *Revenue Administration Act* or these regulations with which the registered vendor failed to comply or which the registered vendor contravened;
  - (b) where the registered vendor has remitted to the province the tax collected by the registered vendor which was due and payable; or
  - (c) where the registered vendor has discharged the certificate filed with the Registrar of the Supreme Court under section 13 of the *Revenue Administration Act* by payment of the amount due therein.

**Vendor may appeal**

- (3) Before a suspension or cancellation may be made the registered vendor shall be afforded an opportunity to appear before the Commissioner to show cause why the registration certificate should not be suspended or cancelled as the case may be. (*EC570/15*)

**13.8 Rebate of tax remitted in respect of bad debt**

- (1) The Minister may, in accordance with this section, rebate to a registered vendor the tax that the registered vendor remitted to the Minister in respect of a sale of new tires by the registered vendor to a purchaser if the Minister is satisfied that
  - (a) the registered vendor has given credit to the purchaser with respect to the sale of new tires, together with the tax payable by the purchaser;
  - (b) the purchaser has defaulted in the payment to the registered vendor of all or part of the amount payable to the registered vendor in respect of the sale;
  - (c) the registered vendor has written off as a bad debt in the registered vendor's books of account the unpaid amount payable to the registered vendor in respect of the sale; and
  - (d) the write-off of the unpaid amount payable to the registered vendor as a bad debt is in accordance with generally accepted accounting principles, as recognized by the Chartered Professional Accountants of Canada, applicable at the time of the write-off.

**Circumstances in which rebate may not be payable**

- (2) Notwithstanding subsection (1), no rebate of tax shall be made to a registered vendor under this section in respect of an unpaid amount payable to the registered vendor if
  - (a) the registered vendor does not claim the rebate within four years from the effective date of the registered vendor's write-off of the unpaid amount as a bad debt;



- (b) the registered vendor is entitled to offset the unpaid amount against an amount payable by the registered vendor to the purchaser;
- (c) the registered vendor has assigned, without recourse and for consideration, other than for security purposes, part or all of the unpaid amount; or
- (d) the payment for the purchase was made through the use of a credit card that is not issued by the registered vendor.

**Calculation of rebate**

- (3) The tax that may be rebated to a registered vendor under this section shall be determined in accordance with the following formula:

$$\text{Rebate} = A \times B/C$$

where,

- A is the tax remitted by the registered vendor with respect to the sale of new tires to the purchaser;
- B is the unpaid amount payable to the registered vendor less all amounts, if any, required by subsection (4) to be deducted from the unpaid amount for the purposes of determining the amount of the rebate of tax under this section; and
- C is the total amount that was payable in respect of the sale, including any federal excise and sales taxes and the amount of tax imposed by the Act.

**Deduction from unpaid amount**

- (4) For the purposes of determining the amount of a rebate of tax under this section in respect of an unpaid amount payable to a registered vendor, the following amounts, to the extent they are applicable, shall be deducted from the unpaid amount:
- (a) all interest, finance, carrying, collection or similar charges imposed by the registered vendor with respect to the sale, except to the extent the charges are included in the total amount that was payable in respect of the sale;
  - (b) all proceeds of sale received by the registered vendor on any repossession and resale of the property on account of the unpaid amount;
  - (c) all amounts received by the registered vendor on the realization of any security given to secure the unpaid amount payable to the registered vendor;
  - (d) if the new tires sold by the registered vendor to the purchaser are repossessed and are taken out of inventory and used by the registered vendor or by others at the registered vendor's expense, the fair value of the new tires at the time of the change in use.

**Rules governing claims for rebate**

- (5) The following rules apply for the purposes of claiming a rebate of tax under this section:
- (a) the registered vendor may claim only one rebate under this section in respect of a sale;
  - (b) the registered vendor may claim the rebate by making an adjustment to the registered vendor's tax liability account for the amount of the rebate claimed;
  - (c) the registered vendor shall make only one adjustment to the registered vendor's tax liability account during any 12-month period for all claims for rebate of tax under this section, unless the registered vendor has applied in writing to the Commissioner for consent to make an additional adjustment and the Commissioner has consented to the making of the additional adjustment to the account;
  - (d) the registered vendor shall retain in the registered vendor's records sufficient information and documentation to permit the verification to the satisfaction of the Commissioner of the correct amount of the tax rebate.

**Repayment of rebate**

- (6) If, after claiming a rebate of tax under this section, a registered vendor recovers from any person or through any means, other than a rebate under this section, any of the unpaid amount payable to the registered vendor in respect of which the rebate of tax was claimed, the registered vendor shall repay to the Minister by way of adjustment to the registered vendor's tax liability account the same percentage of the rebate made under this section that the amount recovered by the registered vendor is of the amount designated as "B" in the formula in subsection (3) in respect of the unpaid amount.

**Idem**

- (7) For the purposes of subsection (6), the repossession of new tires and the sale or use by the registered vendor or by others at the registered vendor's expense of the repossessed new tires shall be considered to be a recovery of part or all of the unpaid amount payable to the registered vendor in respect of the sale of the new tires to the extent of the lesser of the unpaid amount and,
- (a) the proceeds from the sale, if the repossessed new tires are the subject of a resale; or
  - (b) the fair value of the new tires if the repossessed new tires are used by the registered vendor or by others at the registered vendor's expense. (EC570/15)

**PART III — GENERAL**

**14. Rate of interest**

For the purposes of subsections 16(1) and (2) of the *Revenue Administration Act* the prescribed rate of interest is 1.5 per cent per month. (EC390/91)

**14.1 Penalty**

The penalty that may be levied pursuant to subsection 21(4) of the Act for the issue of a non-negotiable cheque is \$35 in respect of each cheque issued. (EC274/94)

**15. Prescribed forms**

The forms set out in the Schedule are prescribed. (EC390/91)

**15.1 Notices of assessment**

The Minister may by notice published in the Gazette designate any officer of the Provincial Treasury to issue and sign notices of assessment and exercise the powers of the Commissioner pursuant to section 3 of the *Revenue Administration Act*. (EC506/95)

**15.2 Assessments, back taxes**

In making an assessment pursuant to the *Revenue Administration Act*, the Commissioner shall not consider a period prior to the sixty months immediately preceding the month in which the assessment is made, except

- (a) with respect to a sale or purchase of goods recorded in the books of account of the taxpayer during the sixty month period immediately preceding the month in which the assessment is made and the delivery of these goods took place prior to that period; or



- (b) where there is a reasonable appearance of wilful default or fraud to the Commissioner. (EC464/03)

## 16. Amendments

Consequential. (EC390/91)

## 17. Waiver -extraordinary circumstances

- (1) Any penalty or interest assessed against a taxpayer may be waived by the Commissioner where the penalty or interest results from non-compliance by the taxpayer with the *Revenue Administration Act* or a revenue Act, or any regulations made thereunder, as a result of one or more of the following extraordinary circumstances:
  - (a) a natural disaster such as a flood, fire or storm;
  - (b) a personal tragedy such as the serious illness or death of, or in the family of
    - (i) a taxpayer, or
    - (ii) a person who oversees and ensures a taxpayer's compliance with the Revenue Administration Act or a revenue Act, or any regulations made thereunder;
  - (c) the theft or vandalism of records; or
  - (d) a civil disturbance.

### Waiver - administrative error or delay

- (2) Any penalty or interest assessed against a taxpayer may be waived by the Commissioner where the assessment is the result of any of the following administrative errors or delays by the Commissioner:
  - (a) a delay in processing returns that results in a lengthy delay in informing the taxpayer of amounts owing;
  - (b) incorrect written information being provided to the taxpayer;
  - (c) an unreasonable delay in providing required information to the taxpayer;
  - (d) an error in materials prepared and distributed by the Commissioner to the general public; or
  - (e) a change in the interpretation of the Revenue Administration Act or a revenue Act, or any regulations made thereunder, after a tax return has been filed by a taxpayer based on a prior interpretation of the Revenue Administration Act or a revenue Act, or any regulations made thereunder.

### Decision on waiver

- (3) The decision of the Commissioner on the waiver of any penalty or interest pursuant to this section is final and is not subject to objection or appeal. (EC185/00)

## 18. Refund

- (1) An application under subsection 19(1) or 19(5) of the *Revenue Administration Act* for a refund of an amount paid as tax shall be made, in writing, to the Commissioner and shall include
  - (a) the reason for requesting the refund; and

- (b) such information or documents, including invoices and receipts, as the Commissioner may require, respecting the payment of the amount of tax for which the refund is requested.

**Form**

- (2) Any information or documents required by the Commissioner in respect of an application under subsection (1) shall be provided or presented by the applicant in such form or manner as the Commissioner may require. *(EC292/03)*





**SCHEDULE**

**FORM 1**

**NOTICE OF OBJECTION**

Revoked by (EC197/11)  
(EC390/91; 197/11)

**FORM 2**

**NOTICE OF APPEAL**

Revoked by (EC197/11)  
(EC390/91; 197/11)

**FORM 3**

**APPLICATION FOR LICENSE TO WHOLESALE TOBACCO**

Revoked by (EC292/03)

**FORM 4**

**APPLICATION FOR LICENSE TO RETAIL TOBACCO**

Revoked by (EC292/03)

**FORM 5**

**HEALTH TAX BRANCH**

**LICENSE - TOBACCO VENDOR**

Revoked by (EC292/03)