

# IMPORTANT NOTICE

**The Depository Trust Company**



**#:** 4664-09  
**Date:** April 3, 2009  
**To:** All Participants  
**Category:** Dividends  
**From:** International Services  
**Attention:** Operations, Reorg & Dividend Managers, Partners & Cashiers  
**Subject:** Tax Relief – Country: Canada  
Important tax relief information

DTC's TaxRelief service provides tax relief at source on income from Canadian issues. Please refer to TaxInfo for more details on the relief at source procedure. In the event the opportunity for relief at source through the Elective Dividend Service (EDS) program is missed or unavailable, Participants may be able to file a tax reclaim using one of the following procedures:

## 1. Quick refund through DTC

A quick refund can be introduced through DTC before the end of the year in which the income was paid. A letter signed by an authorized signatory on your Company's Letterhead will be needed to process the reclaim with details as follows:

- CUSIP
- Security Description
- Record Date
- Payable Date
- A statement that the election was missed or elected incorrectly
- Share amount of original election
- Revised share amount per category
- US Dollar amount of the adjustment.

The attached Declaration of Ownership is also required. After filling out the Declaration, print it, sign it and email a copy along with the above mentioned letter to [International\\_Dividends@dtcc.com](mailto:International_Dividends@dtcc.com). An acknowledgement of receipt will be sent by the staff upon receipt of your Declaration and letter.

Non-Confidential

DTCC is now offering enhanced access to all important notices via a new, Web-based subscription service. The new notification system leverages RSS Newsfeeds, providing significant benefits including real-time updates and customizable delivery. To learn more and to set up your own DTCC RSS alerts, visit [http://www.dtcc.com/subscription\\_form.php](http://www.dtcc.com/subscription_form.php).

To remove your name from the former system of email notifications, send a message to [unsubscribe@dtcc.com](mailto:unsubscribe@dtcc.com).

If the confirmation is not sent within 24 hours, please send a follow up email to [International\\_Dividends@dtcc.com](mailto:International_Dividends@dtcc.com) or call 212-855-4706.

It will take approximately 6 to 8 weeks for the refund to be received through the quick refund process. Please note that DTC cannot guarantee that CDS will honor large reclaims lodged in December.

## **2. Long Form Reclaim**

Anytime after a missed or incorrect election, but no later than two years from the end of the calendar year in which the income was received, a tax reclaim form may be lodged with the Canadian Revenue Agency (CRA) in order to recover the tax withheld in excess of the treaty rate.

To lodge a reclaim on behalf of a non-Canadian resident, Participants should forward an “Application for Refund of Non-Resident Tax” (Form NR7-R) to the CRA. It is important to note that the “Certificate of Tax Withheld” section of the form must be completed by the Canadian Depository for Securities Limited (CDS) before it is submitted to the CRA.

The following items should be forwarded to CDS at Quality Control, 3<sup>rd</sup> Floor, 85 Richmond Street West, Toronto, ON M5H 2C9:

- Fee of USD 55 per form payable to CDS Clearing and Depository Services Inc.
- DTC Cash Settlement Report for the income payable date as well as the “DIVA” Announcement which reports the gross dividend rate and the withholding tax rate for the payment.
- Completed NR7-R form. Multiple beneficial owners claiming the same rate may be grouped on one form for each dividend payable date as long as the Participant attaches a notarized list showing the names and addresses of the beneficial owners. This list must include a statement declaring how many shares, registered in the name of Cede & Co., on which the Participant is claiming tax benefits.
- Applicable affidavits, or notarized statement(s), indicating the relationship between the applicant/DTC Participant and the beneficial owners of the income.
- Indication of the number of shares held by the beneficial owner(s) in question, as stated on the affidavit and the NR7-R form.
- Applicable exemption documents

Please be informed that CDS will not process the reclaim if any of these details are missing.

Once CDS certifies the NR7-R, the package will be sent back to you for onward submission to the CRA at the following address:

International Tax Services Office  
Non-Resident Withholding Division  
2204 Walkley Road  
Ottawa, Ontario, Canada K1A 1A8

For further details on how to lodge a refund on Canadian income payments, it is recommended that you refer to DTC's TaxInfo which can be found via the PTS "TAXI" function or under Corporate Action Services on the PBS platform.

Questions regarding Canadian reclaims can also be directed to Sean Bollers at 212-855-4706 or Marslena Thomas at 813-470-1117.

**Important Legal Information:** *The Depository Trust Company ("DTC") does not represent or warrant the accuracy, adequacy, timeliness, completeness or fitness for any particular purpose of the information contained in this communication, which is based in part on information obtained from third parties and not independently verified by DTC and which is provided as is. The information contained in this communication is not intended to be a substitute for obtaining tax advice from an appropriate professional advisor. In providing this communication, DTC shall not be liable for (1) any loss resulting directly or indirectly from mistakes, errors, omissions, interruptions, delays or defects in such communication, unless caused directly by gross negligence or willful misconduct on the part of DTC, and (2) any special, consequential, exemplary, incidental or punitive damages.*

*To ensure compliance with Internal Revenue Service Circular 230, you are hereby notified that: (a) any discussion of federal tax issues contained or referred to herein is not intended or written to be used, and cannot be used, for the purpose of avoiding penalties that may be imposed under the Internal Revenue Code; and (b) as a matter of policy, DTC does not provide tax, legal or accounting advice and accordingly, you should consult your own tax, legal and accounting advisor before engaging in any transaction.*



The Depository Trust &  
Clearing Corporation

**DECLARATION OF OWNERSHIP – CANADIAN SECURITIES**

<b>PARTICIPANT NUMBER</b>	<b>PARTICIPANT NAME</b>

<b>CUSIP NUMBER</b>	<b>SECURITY DESCRIPTION</b>	<b>RECORD DATE</b>	<b>PAYABLE DATE</b>

<b>FAVORABLE TREATY RATE*</b>
Quantity

OR

TAX EXEMPT**	
Control #	Quantity
<b>Total</b>	0.00

\* The DTC participant indicated above hereby certifies that the security quantity for which the favorable rate is claimed was beneficially owned on the applicable record date by a person(s) entitled to the same reduction in rate from Canadian non-resident withholding tax as would apply if the owner of such securities were an individual citizen of the United States who was resident in the United States and who had no connection with Canada that would affect the ratio at which tax is to be withheld.

\*\* The DTC participant indicated above hereby certifies that the securities described above are beneficially owned by a 1) trust(s), company(s), or other organization(s) exempt from Canadian withholding tax on interest and dividends by virtue of article XXI of the Canada-United States of America Income Tax Convention (1980) who has filed with us a letter of exemption from Revenue Canada; and/or 2) eligible Canadian resident(s) as defined in DTC's Procedures. The DTC Participant authorizes DTC to make such book entries as may be necessary to report tax-exempt dividend and interest positions to Canadian payers.

<b>AUTHORIZED BY</b>		<b>PERSON TO CONTACT</b>		<b>TELEPHONE NUMBER</b>		<b>DATE</b>

**RESET**



Canada Revenue Agency

Agence du revenu du Canada

APPLICATION FOR REFUND OF PART XIII TAX WITHHELD

NR7-R Control Number

Applicant Name, Canadian Tax Identification Number (SIN, TTN, BN, etc.), Mailing address (authorized) C/O

Details of payment and tax withheld: Gross Amount, Tax remitted, Tax payable, Refund, Type of payment (Interest, Dividend, Pension, RRIF, etc.), Security Lending Arrangement, Bond, Payable Date, CUSIP Number, Number of Shares, FMV, Minimum Amount

Reason for refund: The beneficial owner is (A holder of a comfort letter or Letter of Exemption, A holder of a Certificate of Exemption, Entitled to a lower rate under treaty Article, Entitled to a treaty exemption, Entitled for another reason), Participants (name and address), Mandatory attachments (if applicable)

Certification: I certify that the information given above and in any documents attached is correct and complete. Authorized person's name (Print), Position or office, Authorized person's signature, Date, Telephone number

Certificate of tax withheld: I, (payer/agent's name) certify that the non-resident tax of \$ (registered owner's name) and remitted under non-resident account number NR, and included in the amount of \$ (specify currency) and remitted on (date of remittance). Authorized person's name (Print), Position of office, Authorized person's signature, Date, Telephone number

## INSTRUCTIONS

Follow the instructions below that apply to you as a Non-resident of Canada or a Canadian Resident. Please complete all applicable sections in detail, provide all supporting documentation and a letter of explanation where necessary to avoid returning the refund application to you unprocessed. Retain a photocopy of this form for your records. In addition, please read the important instructions below in their entirety.

### Residents of Canada

- Attach the NR4 slip(s) or Canadian tax slip(s) to your T1, T2 or T3 Income Tax Return if third party participants were not involved in the transaction. If your return is already processed, send an amendment request with the tax slip(s) to your local Tax Centre.
- You must complete the NR7-R application if you do not have an NR4 tax slip issued in your name, or, if third parties participated in the transaction. Attach this completed form, the appropriate affidavits and other documents to your T1, T2 or T3 Income Tax Return for the year of payment to claim a credit for any tax withheld.

### Non-Resident of Canada

#### Applicant

- The only person/entity entitled to the refund is typically the beneficial owner. A refund will only be issued in another name, if a qualifying situation arises (e.g., partnership, multiple beneficial owners, Canadian Securities Dealers etc.).

#### Details of payment and tax withheld

- Where tax was remitted to us in Canadian currency, you must enter the "Refund applied for" in Canadian currency. We will then issue only a Canadian currency refund. You may need to contact the Canadian payer or agent to confirm the remittance currency.
- We will issue refunds in a foreign currency only if the tax was remitted in that same foreign currency. If we approve a refund in foreign funds, we will use the exchange rate that applies on the date we issue the refund cheque. As a result, the amount refunded may be different from the amount remitted.
- You must verify the "Tax payable" rate to ensure it agrees with the rate provided under Section 212 of the *Income Tax Act* or with the relevant tax treaty rate provided within Information Circular 76-12R5 (or later) based on the non-resident's country of residence at the time of payment.
- For security payments, such as dividends or interest, we require one (1) NR7-R application per payable date, per income type, per beneficial owner, per CUSIP number, per Canadian payer or agent's non-resident tax account number. Generally, for all other payments you must file one (1) NR7-R application per year, per income type, per beneficial owner, per Canadian payer or agent's non-resident tax account number.
- We only issue current year refunds to clients for security payments that flowed through custodians or nominees. Otherwise, you may request a current year refund directly from the Canadian payer or agent where an NR4 slip or Canadian tax slip has not yet been issued.
- We do not issue refunds for less than \$2.00.

#### Reason for refund

- Ensure the appropriate "Reason for refund" is identified and any relevant exemption number for the beneficial owner is entered.
- Where there are third party participants, such as a custodian, we require an **(notarized) affidavit of beneficial ownership** linking the custodian and beneficial owner. The affidavit must include: the name of the beneficial owner of the security, the name of the custodian, the number of units held by the custodian, the name of the security, the payable date of the security and the notary or lawyer's seal and signature.
- Where there are third party participants, such as a custodian, we also require an **(notarized) affidavit of registered ownership** linking the custodian and the beneficial owner. The affidavit must include: the name of the beneficial owner of the security, the name of the custodian, the number of units held by the custodian, the name of the security, the payable date of the security and the notary or lawyer's seal and signature. If the transaction flowed through the Depository Trust Company (D.T.C.) in the United States, a (authorized) D.T.C. Statement, specifically a Final Detail Report, CSH SDFS Settlement Stmt Div. or Dividend Cash Settlement Items List, are *mandatory* substitutions for the "affidavit of registered ownership".
- A combined (notarized) affidavit of registered ownership and affidavit of beneficial ownership may be submitted where payments flow through one (1) third party participant other than D.T.C.
- Where more than three (3) participants are involved, we require multiple affidavits. Specify all custodians names on the front of this form.
- Only the notary or lawyer for the custodian and/or registered owner directly involved in the transaction may provide the relevant affidavits.

#### Certification

- Only a person authorized by the beneficial owner may sign this area.

#### Certificate of tax withheld

- Attach an original (or photocopy) of the NR4 slip or Canadian tax slip issued in either the beneficial owner or nominee's name.
- If an NR4 slip or Canadian tax slip was not issued in the beneficial owner's name, the Canadian payer or agent must complete this area.

#### General Information

- The six (6)-digit Control Number printed on the front of this form will appear on the refund cheque. If you complete the form without the six (6)-digit Control Number, Canada Revenue Agency (CRA) will assign one for you.
- Send this original, signed NR7-R application form with all required documentation to the CRA, no later than two (2) years after the end of the calendar year in which the non-resident tax was remitted, to the International Tax Services Office, Non-Resident Withholding Division, 2204 Walkley Road, Ottawa, Ontario Canada K1A 1A8.
- If you need help, please contact the International Tax Services Office at 1-800-267-3395 (within Canada and the United States) or (613) 952-2344 (outside North America). You may also send a facsimile transmission to us at (613) 941-6905.