

Income Tax

ADM. 1.1/R3

Direction principale des lois sur les taxes et l'administration fiscale et
des affaires autochtones

Direction générale de la législation

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This version of interpretation bulletin ADM. 1.1 replaces the version of June 22, 2021. It was revised to update the topics covered by each department, the names of directors and the services offered.

This bulletin describes the services offered by the Direction principale des lois sur les taxes et l'administration fiscale et des affaires autochtones.

DIRECTION PRINCIPALE DES LOIS SUR LES TAXES ET L'ADMINISTRATION FISCALE ET DES AFFAIRES AUTOCHTONES (DPLTAFAA)

Senior Director: Luc Moisan

1. The DPLTAFAA is responsible for providing interpretations on Québec tax law with regard to consumption taxes and, partially, the *Tax Administration Act* (CQLR, c. A-6.002). It is also responsible for interpretations regarding civil, administrative and bankruptcy law as it relates to the application of tax law.
2. Furthermore, in accordance with the Agreement with respect to the Administration by Québec of Part IX of the *Excise Tax Act* relating to the Goods and Services Tax (the "Agreement") entered into between the Government of Canada and the Government of Québec, the DPLTAFAA is responsible for providing interpretations on the goods and services tax (GST) and the harmonized sales tax (HST) and on how they apply in Québec.
3. The DPLTAFAA is also responsible for First Nations affairs, such as negotiating sectorial tax agreements with Québec's First Nations communities.
4. The DPLTAFAA is made up of five departments and has assigned specific responsibilities to each of them in order to carry out its duties. The purpose of this bulletin is to briefly describe these responsibilities and to provide information on the interpretation services available.

DIRECTION DE L'INTERPRÉTATION RELATIVE À L'IMPOSITION DES TAXES

Interim Director: Maude Lemay-Labonté

5. This department is responsible for providing interpretations on the Québec sales tax (QST) and, in accordance with the Agreement, the GST/HST, with respect to the following:

- liability for tax, concept of commercial activity;
- bringing into Québec and exports;
- e-commerce;
- time period for making an assessment and refunds;
- designation as a barter exchange network;
- bankruptcy and receivership;
- supplies to non-residents;
- financial institutions;
- immovables;
- drop shipments;
- telecommunications;
- pension plans;
- anti-avoidance rule;
- business restructuring;
- transportation services;
- financial services;
- input tax refunds, input tax credits and tax paid in error;
- remunerated passenger transportation;
- agreement with respect to the administration by Canada of Title I of the *Act respecting the Québec sales tax* in respect of selected listed financial institutions;
- successions, trusts and members of partnerships;
- collection and remittance measures;
- special cases: benefits, small suppliers, network vendors, direct sellers, renunciation, seizure and repossession, unincorporated organizations, coupons and gift certificates, returnable containers, flea markets, clothing industry;

- agreement with respect to the administration by Quebec of Part IX of the *Excise Tax Act* relating to the goods and services tax;
- comprehensive integrated tax coordination agreement between Canada and Québec.

DIRECTION DE L'INTERPRÉTATION RELATIVE AU SECTEUR PUBLIC

Director: Julie Monaghan

6. This department is responsible for providing interpretations on the QST and, in accordance with the Agreement, the GST/HST, with respect to the following:

- exempt supplies, except immovables and financial services;
- tax exempt status of governments;
- government supplies;
- refunds, compensation, transfer payments and grants;
- input tax refund restrictions for large businesses;
- statuses and designations: municipalities, hospital administrations, designated charities;
- foreign conventions;
- public sector bodies:
 - non-profit organizations, charities, municipalities, public colleges, universities, hospital administrations;
 - divisions and branches, elections, sales of immovables by municipalities, net tax determination for charities.

DIRECTION DE L'INTERPRÉTATION RELATIVE AUX TAXES SPÉCIFIQUES

Interim Director: Caroline Roy

7. This department is responsible for providing interpretations on the following:

- for the QST and, in accordance with the Agreement, the GST/HST:
 - tax agreements, foreign representatives, international organizations;
 - zero-rated supplies;
 - games of chance;
 - road vehicles.
- tobacco tax;

- fuel tax, including the International Fuel Tax Agreement (IFTA);
- specific tax on alcoholic beverages;
- tax on insurance premiums;
- tax on the pari mutuel;
- tax on lodging;
- specific duty on new tires;
- municipal tax for 9-1-1 service;
- mandatory billing;
- diplomats, international government and non-government organizations;
- First Nations taxation.

DIRECTION DE L'INTERPRÉTATION RELATIVE À L'ADMINISTRATION FISCALE

Director: Daniel Côté

8. This department is responsible for interpreting a set of tax administration measures that can be found mainly in the *Tax Administration Act*:

- hypothecs and other securities;
- refunds, interest and charges;
- tax debt collection, collection measures and allocations;
- third-party assessments;
- notices of assessment and payment to the Minister;
- prescription of collection;
- general rules for registers and supporting documents;
- audits and formal demands;
- tax-related penalties and infractions;
- objections, contestations and appeals before the courts;
- waiver and cancellation of interest, penalties and charges;
- transactions in tax matters reached during an audit or at the objection stage;
- enforcement of Québec tax judgments outside Québec;

- bankruptcy and insolvency;
- *Attestation de Revenu Québec*;

DIRECTION DES AFFAIRES AUTOCHTONES

Interim director: Nathalie Pronovost

9. This department is responsible for ensuring that Revenu Québec fulfills its mission toward its First Nations clientele while respecting Québec government policies and commitments to the First Nations population as well as the laws in effect. Its responsibilities include the following:

- maintaining and improving relations with First Nations communities across Québec;
- acting as a privileged intermediary with First Nations representatives;
- negotiating, along with the Ministère des Finances du Québec, sectorial tax agreements with First Nations communities;
- ensuring, in conjunction with the other departments, the coordinated application of Québec tax law to the First Nations population.

INTERPRETATION SERVICES

10. The DPLTAFAA offers interpretation services concerning the laws, regulations and agreements it administers and, in accordance with the Agreement, the *Excise Tax Act* with respect to the application of the GST/HST within the territory of Québec. Before requesting an interpretation, you should first try to get answers to your questions by contacting Revenu Québec or going to its website.

11. Interpretation requests must be made in writing and include all the facts and relevant documents. Requests submitted by an accounting or law firm must also contain the specific questions that are the subject of the request, an analysis of these questions and an opinion as to the interpretation that should be made of them. They must not concern facts submitted to Revenu Québec as part of a voluntary disclosure or an ongoing audit, objection or legal contestation involving the person covered by the request.

Requests can be mailed to the following address:

Direction principale des lois sur les taxes et l'administration fiscale et des affaires autochtones
Direction générale de la législation
Revenu Québec
3800, rue de Marly, secteur 5-2-2
Québec (Québec) G1X 4A5

Requests can also be emailed to the following address:

soutien-taxes@revenuquebec.ca

12. The DPLTAFAA also offers fee-based services for obtaining advance rulings¹ and written opinions.² For the terms of these requests, see the current versions of interpretation bulletins LAF. 96.1-1 and LAF. 96.1-2.

1 An advance ruling is a written statement issued by Revenu Québec to a person, informing that person in advance of the tax treatment that will be given to one or more specific transactions contemplated by a taxpayer.

2 A written opinion is a written statement issued by Revenu Québec to a person, informing that person of Revenu Québec's interpretation of fiscal legislation as it applies to a transaction, past or present, real or hypothetical. A written opinion may also deal solely with the interpretation of fiscal legislation, without any particular factual situation being disclosed.