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Registered Education Savings Plans (RESP)

Is this guide for you?

Use this guide if you want information about the registered education savings plans. This guide has information which is not in the General Income Tax and Benefit package and which you may need to fill out your income tax and benefit return.

We have included definitions or some of the terms used in this guide in the "Definitions" sections starting on page 5. You may want to read this section before you start.

Our publications and personalized correspondence are available in braille, large print, e-text, or MP3 for those who have a visual impairment. Find more information at canada.ca/cra-multiple-formats or by calling **1-800-959-8281**.

La version française de ce guide est intitulée Les régimes enregistrés d'épargne-études (REEE).

Unless otherwise stated, all legislative references are to the Income Tax Act and the Income Tax Regulations.

What's new?

Effective March 22, 2017, the budget proposes to extend the anti-avoidance rules governing the Registered Plans to the Registered Education Savings Plans. The rules provide for a special tax on certain advantages that unduly exploit the tax attributes of an RESP, as well as special taxes on prohibited investments and on non-qualified investments.

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Definitions

This section provides a general definition of the technical terms that we use in this guide.

Advantage – an advantage is any benefit, loan or debt that depends on the existence of the RESP, other than:

- RESP distributions;
- administrative or investment services in connection with the RESP;
- loans on arm's length terms;
- payments or allocations (such as bonus interest) to the RESP by the promoter; or
- a benefit provided under an incentive program that is offered to a broad class of persons in a normal commercial or investment context and not established mainly for tax purposes.

An advantage includes any benefit that is an increase in the total fair market value (FMV) of the property held in connection with the RESP that can reasonably be considered attributable, directly or indirectly, to one of the following:

- a transaction or event (or a series of transactions or events) that would not have occurred in a normal commercial or investment context where parties deal with each other at arm's length and act prudently, knowledgeable, and willingly with each other, and one of the main purposes of which is to enable the subscriber (or another person or partnership) to benefit from the tax-exempt status of the RESP.
- a payment received in substitution for either:
 - a payment for services provided by the subscriber (or another person not at arm's length with the subscriber); or
 - a payment of a return on investment or proceeds of dispositions for property held outside of the RESP by the subscriber or a person not dealing at arm's length with the subscriber.
- a swap transaction; or
- specified non-qualified investment income that has not been paid from the RESP within 90 days of the subscriber receiving a notice from CRA requiring them to remove the amount from the RESP.

An advantage also includes a registered plan strip or any benefit that is income (excluding the dividend gross-up), or a capital gain that is reasonably attributable, directly or indirectly, to one of the following:

- a prohibited investment in respect of the RESP or any other RESP of the subscriber.

- an amount received by the subscriber of the RESP (or by a person not dealing at arm's length with the subscriber) if it is reasonable to consider that the amount was paid in relation to, or would not have been paid but for, property held in connection with the RESP, and the amount was paid in substitution for either a payment:
 - for services provided by the subscriber (or another person not dealing at arm's length with the subscriber); or
 - of a return on investment or proceeds of disposition.

Note

If the advantage is extended by the promoter of an RESP, or a person with whom the holder is not dealing at arm's length, the holder, and not the subscriber of the RESP, is liable to pay the tax resulting from the advantage.

Arm's length – refers to a relationship or a transaction between persons who act in their separate interests. An arm's length transaction is generally a transaction that reflects ordinary commercial dealings between parties acting in their separate interests.

Common law partner – a person who is not your spouse, with whom you are living in a conjugal relationship, and to whom at least one of the following situations applies. He or she:

- a) has been living with you in a conjugal relationship, and this current relationship has lasted for at least 12 continuous months;

Note

In this definition, "12 continuous months" includes any period that you were separated for less than 90 days because of a breakdown in the relationship.

- b) is the parent of your child by birth or adoption; or
- c) has custody and control of your child (or had custody and control immediately before the child turned 19 years of age) and your child is wholly dependent on that person for support.

Fair market value (FMV) – usually the highest dollar value you can get for your property in an open and unrestricted market, between a willing buyer and a willing seller who are acting independently of each other.

For more information on the valuation of securities of closely-held corporations, see Information Circular IC89-3, Policy Statement on Business Equity Valuations.

Non-arm's length – generally refers to a relationship or transaction between persons who are related to each other.

However, a non-arm's length relationship might also exist between unrelated individuals, partnerships or corporations, depending on the circumstances. For more information, see the definition of "Arm's length."

Non-qualified investments – a non-qualified investment is property that is not a qualified investment for the RESP trust. For more information on non-qualified investments

see Folio S3-F10-C1, Qualified Investments – RRSPs, RESPs, RRIFs, RDSPs and TFSAs.

Prohibited investments – this is property to which the RESP subscriber is closely connected. It includes:

- a debt of the subscriber;
- debt or share of, or an interest in, a corporation, trust, or partnership in which the subscriber has a significant interest (generally a 10% or greater interest, taking into account non-arm's length holdings); and
- a debt or share of, or an interest in, a corporation, trust, or partnership with which the subscriber, does not deal at arm's length.

A prohibited investment does not include a mortgage loan that is insured by the Canada Mortgage and Housing Corporation or by an approved private insurer. It also does not include certain investment funds and certain widely held investments which reflect a low risk of self-dealing. For more information on prohibited investments, see Folio S3-F10-C2, Prohibited Investments – RRSPs, RRIFs, and TFSAs.

Registered education savings plan (RESP) – a registered contract between an individual (the subscriber) and a person or organization (the promoter). The subscriber generally makes contributions to the RESP, which earns income, paid in the form of educational assistance payments to one or more identified beneficiaries.

Registered plan Strip – the amount of a reduction in the FMV of property held in connection with the RESP, if the value is reduced as part of a transaction, or event, or a series of transactions, or events for which one of the main purposes is to enable the subscriber, or a person who does not deal at arm's length with the subscriber, to obtain a benefit in respect of property held in connection with the RESP, or to obtain a benefit as a result of the reduction but does not include an amount that is:

- included in the income of the subscriber or an RESP beneficiary;
- a refund of payments under the RESP; or
- a permitted transfer of funds from one RESP to another.
- an accumulated income payment rollover made in excess to an RDSP.

Related persons are not considered to deal with each other at arm's length. Related persons include individuals connected by blood relationship, marriage, common-law partnership or adoption (legal or in fact). A corporation and another person or two corporations may also be related persons.

Specified non-qualified investment income – income (excluding the dividend gross-up), or a capital gain that is reasonably attributable, directly or indirectly, to an amount that is taxable for any RESP of the subscriber (for example, subsequent generation income earned on non-qualified investment income).

Spouse – a person to whom you are legally married.

Swap transaction – this is any transfer of property between the RESP and the subscriber (or a person not at arm's length with the subscriber) occurring after March 22, 2017, subject to certain exceptions.

The following are not considered to be “swap transactions”:

- contributions, distributions, and transfers between the RESP and another RESP of the same subscriber; or
- transactions related to insured mortgage loans.

An exception is also provided to allow individuals to “swap-out” a non-qualified or prohibited investment provided that the conditions for a refund of the 50% tax on such investments are met. To qualify under this exception, the individual must be entitled to a refund of the tax on disposition of the investment (generally inadvertent cases that are promptly resolved).

Swap transactions that are undertaken to remove:

- an investment from an RESP that would otherwise result in tax under Part XI.01 if left in the plan are permitted to continue to occur until the end of 2021.
- a transitional prohibited property from an RESP that would otherwise result in tax under Part XI.01 if left in the plan are permitted to continue to occur until the end of 2027.
- in any other case, after June 2017.

What is a Registered Education Savings Plan?

A registered education savings plan (RESP) is a contract between an individual (the **subscriber**) and a person or organization (the **promoter**).

Under the contract, the subscriber names one or more **beneficiaries** (the future student(s)) and agrees to make contributions for them, and the promoter agrees to pay educational assistance payments (EAPs) to the beneficiaries.

Family plans are the only RESP that allow subscribers to name more than one beneficiary. Each beneficiary must be connected by blood relationship or adoption to each living subscriber or have been so tied to a deceased original subscriber.

The Canada Revenue Agency registers the education savings plan contract as an RESP, and lifetime limits are set by the Income Tax Act on the amount that can be contributed for each beneficiary (see “RESP contribution limits” on page 10) Unless the RESP is a specified plan (as discussed on this page) the RESP must provide that no contributions (except transfers from another RESP) may be made to the plan at any time after the end of the year that includes the 31st anniversary of the opening of the plan. Furthermore the plan has to be completed by the end of the year that includes the 35th anniversary of the opening of the plan.

The **subscriber** (or a person acting for the subscriber) generally makes contributions to the RESP. Subscribers cannot deduct their contributions from their income on their income tax and benefit return.

The **promoter** usually pays the contributions, and the income earned on those contributions, to the beneficiaries. The income earned is paid as EAPs. For more information on EAPs, see page 11.

If the contributions are not paid out to the beneficiary, the promoter usually pays them to the subscriber at the end of the contract. Subscribers do not have to include the contributions in their income when they get them back.

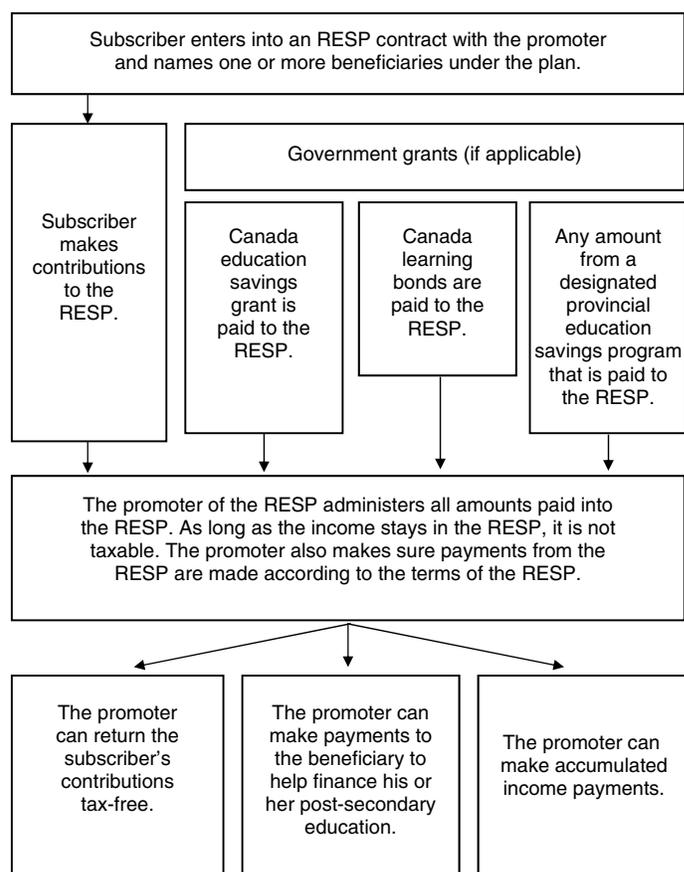
Beneficiaries generally receive the contributions and the EAPs from the promoter. They have to include the EAPs in their income for the year in which they receive them. However, they do not have to include the contributions they receive in their income.

Specified plan

A specified plan is essentially a single beneficiary RESP (non-family plan) under which the beneficiary is entitled to the disability tax credit for the beneficiary’s tax year that includes the 31st anniversary of the plan. Furthermore, a specified plan cannot permit another individual to be designated as a beneficiary under the RESP at any time after the end of the year that includes the 35th anniversary of the plan.

In addition, no contributions (except transfers from another RESP) may be made to the plan at any time after the end of the year that includes the 35th anniversary of the plan, and the plan must be completed by the end of the year that includes the 40th anniversary of the plan.

The following diagram gives an overview of how an RESP generally works.



Government Grants

Canada education savings grant

Employment and Social Development Canada (ESDC) provides an incentive for parents, family and friends to save for a child's post-secondary education by paying a grant based on the amount contributed to an RESP for the child. The Canada education savings grant (CESG) money will be deposited directly into the child's RESP.

No matter what your family income is, ESDC pays an amount of Canada Education Savings Grant (**basic** CESG) of 20% of annual contributions you make to **all** eligible RESP's for a qualifying beneficiary to a maximum CESG of \$500 in respect of each beneficiary (\$1,000 in CESG if there is unused grant room from a previous year), and a lifetime limit of \$7,200.

ESDC will also pay an additional amount of Canada Education Savings Grant (**additional** CESG) for each qualifying beneficiary. The additional amount is based on the adjusted income and can change over time as the adjusted income changes.

For 2017, the **additional** CESG rate on the first \$500 contributed to an RESP for a beneficiary who is a child under 18 years of age is:

- 40% (extra 20% on the first \$500), if the child's family has qualifying net income for the year of \$45,916 or less; or
- 30% (extra 10% on the first \$500), if the child's family has qualifying net income for the year that is more than \$45,916 but is less than \$91,831.

The following chart gives you a brief overview of how the CESG is calculated depending on the adjusted income:

Canada education savings grant summary chart			
Adjusted income for 2017	\$45,916 or less	More than \$45,916 but less than \$91,831	More than \$91,831
CESG on the first \$500 of annual RESP contribution	40% = \$200	30% = \$150	20% = \$100
CESG on \$501 to \$2,500 of annual RESP contribution	20% = \$400	20% = \$400	20% = \$400
Maximum yearly CESG depending on income and contributions	\$600	\$550	\$500
Lifetime maximum CESG for which you may qualify	\$7,200	\$7,200	\$7,200

Every child under age 18 who is a Canadian resident will accumulate \$400 (for 1998 to 2006) and \$500 (from 2007 and subsequent) of unused CESG room. Unused CESG room is carried forward and used when RESP contributions are made in future years provided that the specific contribution requirements for beneficiaries who attain 16 or 17 years of age are met.

Beneficiaries qualify for a grant on the contributions made on their behalf up to the end of the calendar year in which they turn 17 years of age.

However, since the CESG has been designed to encourage long-term savings for post-secondary education, there are specific contribution requirements for beneficiaries who attain 16 or 17 years of age. Beneficiaries who are 16 or 17 years old may be eligible to receive the CESG if at least **one** of the following two conditions is met:

- a minimum of \$2,000 was contributed to (and not withdrawn from) the RESP of the child before the end of the calendar year they turned 15; or
- a minimum annual contribution of \$100 was made to (and not withdrawn from) the RESP in at least four of the years before the end of the calendar year the child turned 15.

This means that you must start to save in RESP's for your child before the end of the calendar year in which the beneficiary attains 15 years of age in order to be eligible for the CESG.

The CESG and accumulated earnings will be part of the EAP's paid out of the RESP to the beneficiary.

If the beneficiary does not pursue post-secondary education, the CESG is returned to the government.

Canada learning bond

ESDC provides an additional incentive of up to \$2,000 to help modest-income families start saving early for their child's education after high school (post-secondary education).

The Canada learning bond (CLB) money will be deposited directly into the child's RESP.

The CLB provides an initial \$500 to children in modest income families, born on or after January 1, 2004. To help cover the cost of opening an RESP for the child, Employment and Social Development Canada will pay an extra \$25 with the first \$500 bond. The CLB also includes additional payments of \$100 for each previous and subsequent year of eligibility, up to age 15, for a maximum of \$2,000.

Children who are in care of a public primary caregiver for whom a special allowance under the Children's Special Allowance Act is paid, are also entitled to the Canada learning bond.

If the beneficiary does not pursue post-secondary education, the CLB is returned to the government.

For more information on the CLB, call 1-800-O-CANADA (1-800-622-6232).

Quebec education savings incentive (QESI)

The Quebec education savings incentive (QESI) is a tax measure that encourages Quebec families to start saving early for the education of their children and grandchildren.

The incentive, which came into effect on February 21, 2007, consists of a refundable tax credit that is paid directly into a registered education savings plan (RESP) opened with a

financial institution or with another RESP provider that offers the QESI.

For the credit to be paid to your account, the trustee designated by your RESP provider must apply for it with Revenu Quebec.

If you wish to open an RESP, you may contact an RESP provider that offers the QESI, such as:

- a financial institution;
- a group plan dealer; or
- a financial service provider.

For more information, go to revenuquebec.ca or call Service Quebec at 1-877-644-4545.

Saskatchewan Advantage Grant for Education Savings Program (SAGES)

On March 22, 2017, the Government of Saskatchewan announced that SAGES will be suspended effective January 1, 2018. SAGES will not be paid on contributions made to a RESP after December 31, 2017.

The Saskatchewan Advantage Grant for Education Savings (SAGES) will help Saskatchewan families save for their children's post-secondary education.

The Government of Saskatchewan will provide a grant of 10% on contributions made since January 1, 2013 into an RESP to a maximum of \$250 per child per year.

In order to receive SAGES, a child must be a resident of Saskatchewan when the RESP contribution is made, named as a beneficiary of an RESP with an RESP provider, and the contribution are made on or before December 31 of the year the child turns 17.

For more information, go to saskatchewan.ca or call ESDC, the administrator of SAGES, at 1-888-276-3624.

BC Training and Education Savings Grant Program (BCTESG)

Families in British Columbia are encouraged to start planning and saving early for their children's post-secondary education or training program. To help, the B.C. Government will contribute a grant of \$1,200 to eligible children through the BCTESG.

To be eligible for the BCTESG, a child must meet the following three criteria:

- the child was born in 2006 or later;
- at the time of application the child and a parent/guardian of the child are residents of British Columbia; and
- at the time of application the child is the beneficiary of a RESP with a participating financial institution.

Children are eligible for the BCTESG on their sixth birthday up until the day before their ninth birthday.

The BC Government has extended the eligibility criteria for children born in 2006, 2007, 2008 and 2009. If your child had their 6th birthday in 2013, 2014 or 2015, you have an extension until August 14, 2018 or the day before their ninth birthday, whichever is later to get the grant. If your child was born in 2006, you have an extension until August 14, 2019, to get the grant.

For more information, go to gov.bc.ca or call 1-888-276-3624.

Who can be a subscriber?

Except for family plans, generally, there are no restrictions on who can be the **original subscriber** under an RESP:

- you and your spouse or common-law partner, as defined in our guides, can be joint original subscribers under an RESP.
- a public primary caregiver of a beneficiary under an RESP may also be an original subscriber. A public primary caregiver is one who receives a special allowance under the Children's Special Allowances Act and may be:
 - the department, agency, or institution that cares for the beneficiary; or
 - the public trustee or public curator of the province in which the beneficiary resides.

If you are not the original subscriber, you can become a subscriber only if one of the following situations applies:

- you are a spouse or common-law partner, or ex-spouse or former common-law partner, of a subscriber and you get the subscriber's rights under the RESP as a result of a court order or written agreement for dividing property after a breakdown of the relationship;
- you are another individual or another public primary caregiver who has, under a written agreement, acquired a public primary caregiver's rights as a subscriber under the RESP;
- you acquired the subscriber's rights under the RESP, or you continue to make contributions into the RESP for the beneficiary, after the death of a subscriber under the RESP; or
- you are the deceased subscriber's estate that acquired the subscriber's rights under the RESP, or that continues to make contributions into the RESP for the beneficiary, after the death of a subscriber under the RESP.

All subscribers under an RESP have to give their social insurance number (SIN) to the promoter before CRA can register the RESP.

Who can become a beneficiary?

You can designate an individual as a beneficiary under the RESP only if:

- the individual's SIN is given to the promoter before the designation is made; and

- the individual is a resident of Canada when the designation is made.

Notes

An education savings plan may permit a non-resident individual who does not have a SIN to be designated as a beneficiary under the plan provided that the designation is being made in conjunction with a transfer of property into the plan from another RESP that was entered into before 1999 and under which the individual was a beneficiary immediately before the transfer.

A beneficiary under a family plan entered into after 1998, must be less than 21 years of age at the time he or she is named as a beneficiary. When one family plan is transferred to another, a beneficiary who is 21 years of age or older can still be named a beneficiary to the new RESP.

RESP contributions

You will be able to make contributions for a beneficiary only if:

- the beneficiary's SIN is given to the promoter before the contribution is made and the beneficiary is a resident of Canada; or
- the contribution is made by way of a transfer from another RESP under which the individual was a beneficiary immediately before the transfer.

Note

If the plan was entered into before 1999, the beneficiary's SIN will not be required. However, such contributions will continue to be ineligible for the Canada education savings grant (CESG).

Generally, you can contribute to family plans for beneficiaries who are under 31 years of age at the time of the contribution. However, transfers can be made from another family plan even if one or more of the beneficiaries are 31 years of age or older at the time of the transfer.

RESP contracts can take advantage of the new age limit as long as the specimen plan under which the contract is held is amended. The amendment must be applicable for 2008 and subsequent taxation years.

RESP contributions **cannot be** deducted from your income on your income tax and benefit return. In addition, you cannot deduct the interest you paid on money you borrowed to contribute to an RESP.

RESP contribution limits

For 2007 and later years, there is no annual limit for contributions to RESPs, however, the lifetime limit on the amounts that can be contributed to all RESPs for a beneficiary is \$50,000.

Payments made to an RESP under the Canada Education Savings Act or under a designated provincial program are not included when determining if the lifetime limit has been exceeded.

Tax on RESP excess contributions

An excess contribution occurs at the end of a month when the total of all contributions made by all subscribers to all RESPs for a beneficiary is more than the lifetime limit for that beneficiary. We do not include payments made to an RESP under the Canada Education Savings Act or any designated provincial program when determining whether a beneficiary has an excess contribution.

Each subscriber for that beneficiary is liable to pay a 1% per-month tax on his or her share of the excess contribution that is not withdrawn by the end of the month. The tax is payable within 90 days after the end of the year in which there is an excess contribution. An excess contribution exists until it is withdrawn.

You have to inform us of your share of the excess contribution to all RESPs for a beneficiary. To calculate the amount of tax you have to pay on your share of the excess contribution for a year, fill out Form T1E-OVP, Individual Tax Return for RESP excess contributions.

You can get this form on our web site by going to canada.ca/cra-forms.

Send your completed T1E-OVP return to the following address:

Registered Plans Directorate
Canada Revenue Agency
Ottawa ON K1A 0L5

Waiver of liability

We may waive or cancel all or part of the taxes if we determine it is fair to do so after reviewing all factors, including whether the tax arose because of a reasonable error and whether the tax also gave rise to more than one tax under the Income Tax Act. To consider your request, we need a letter that explains why the tax liability arose, why this is a reasonable error, and why it would be fair to cancel or waive all or part of the tax. Send your letter to the following address:

Registered Plans Directorate
Canada Revenue Agency
Ottawa ON K1A 0L5

There are limits on the amounts that can be contributed to RESPs for a beneficiary.

For each beneficiary, the **annual limit** for contributions to all RESPs:

- for 1996 is \$2,000;
 - for 1997 to 2006 is \$4,000; and
 - for 2007 and subsequent years, there is no limit.
- For each beneficiary, the **lifetime limit** for contributions to all RESPs:
- for 1996 to 2006 is \$42,000; and
 - for 2007 and subsequent years is \$50,000.

Note

You can reduce the amount subject to tax by withdrawing the excess contributions. However, in determining whether the lifetime limit has been exceeded, we include the withdrawn amounts as contributions for the beneficiary even though they have been withdrawn.

Example (lifetime limit)

In 2000, Hugh established an RESP for his son Allan and contributed a total of \$32,000 to it prior to 2017. Allan's grandmother, Cathy, also opened an RESP for Allan in 2000, and prior to 2017, contributed \$16,000 to it. None of the prior year contributions made by Hugh and Cathy exceeded the annual or lifetime limits that were applicable in those prior years.

In January 2017, Hugh contributed \$1,000 and Cathy contributed \$500 to their respective RESPs and in July, both Hugh and Cathy contributed an additional \$500. Hugh subsequently withdrew \$500 in December.

The lifetime limit on all contributions that can be made to all RESPs for Allan is \$50,000. Together Hugh and Cathy had contributed \$48,000 to RESPs for Allan before 2017 and at the end of January 2017, the total contributions were \$49,500 which was still within the lifetime limit for contributions to RESPs for Allan. However, at the end of July the total contributions were \$50,500 and the lifetime limit was exceeded by \$500.

Hugh and Cathy's share of the lifetime contributions		
Contribution amounts	Hugh	Cathy
Before 2017	\$32,000	\$16,000
January 2017	\$1,000	\$500
July 2017	\$500	\$500
December 2017 (withdrawal)	(\$500)	\$0
Share of the lifetime contributions	\$33,500	\$17,000

Lifetime excess contributions for 2017	
Hugh's lifetime contributions for Allan before 2017	\$ 32,000
Cathy's lifetime contributions for Allan before 2017	+ \$ 16,000
Total contributions for Allan before 2017	= \$ 48,000
Maximum lifetime limit remaining (50,000 – 48,000)	\$ 2,000
Total of contributions made in 2017 for Allan	\$ 2,500
Excess contributions	\$ 500

Hugh's share of the lifetime excess contributions for 2017 was \$300. This was determined by multiplying his proportion of the total contributions made to both RESPs in 2017 ($\$1,500/\$2,500$) by the excess (\$500) or ($\$1,500/\$2,500 \times \500). Similarly, Cathy's share was \$200 ($\$1,000/\$2,500 \times \500).

Hugh's tax payable for 2017 is calculated as follows:

Hugh's tax on his share of the excess contribution is calculated for each month the excess contribution remains in the RESP. For July to November, Hugh's tax is $\$300 \times 1\% \times 5$ months or \$15.00.

Cathy's tax payable for 2017 is calculated as follows:

Cathy's tax on her share of the excess contribution is calculated for each month the excess contribution remains in the RESP.

For July to November, Cathy's tax is $\$200 \times 1\% \times 5$ months or \$10.00. Because Hugh withdrew the excess amount in December 2017, neither Cathy nor Hugh must pay any tax on the excess contribution in December.

Payments from an RESP

The promoter can make the following types of payments:

- refund of contributions to the subscriber or to the beneficiary;
- educational assistance payments (EAPs);
- after 1997, accumulated income payments (AIPs);
- payment to a designated educational institution in Canada (for more information, see Information Circular IC93-3R2, Registered Education Savings Plans);
- repayment of amounts under the Canada Education Savings Act or under a designated provincial program; and
- payment to a trust to accommodate transfers of property between RESPs.

Refund of contributions to the subscriber or the beneficiary

Subject to the terms and conditions of the RESP, the promoter can return your contributions to you tax-free when the contract ends or at any time before. Promoters do not issue a T4A slip, Statement of Pension, Retirement, Annuity and Other Income, to report these payments. **Do not** include these payments as income on your income tax and benefit return.

The promoter can also pay the contributions tax-free to the beneficiary. This is in addition to any taxable educational assistance payments. Refer to the next section for more details.

Educational assistance payments

An educational assistance payment (EAP) is the amount paid to a beneficiary (a student) from an RESP to help finance the cost of post-secondary education. An EAP consists of the Canada education savings grant, the Canada learning bond, amounts paid under a designated provincial program and the earnings on the money saved in the RESP. The promoter reports EAPs in box 042 on a T4A slip and sends a copy to the student. The student includes the EAPs as income on his or her income tax and benefit return for the year the student receives them.

Note

A beneficiary must be a resident of Canada in order to receive the CESG or CLB as part of the EAP. Contact the appropriate provincial authorities to determine residency requirements for the eligibility conditions for provincial grants and incentives.

The promoter can only pay EAPs to or for a student if **one** of the following situations applies:

- the student is enrolled in a qualifying educational program. This includes students attending a post-secondary educational institution and those enrolled in distance education courses, such as correspondence courses, provided by such institutions; or
- the student has attained the age of 16 years and is enrolled in a specified educational program.

A beneficiary is entitled to receive EAPs for up to six months after ceasing enrolment, provided that the payments would have qualified as EAPs if the payments had been made immediately before the student's enrolment ceased.

A **qualifying educational program** is an educational program at post-secondary school level, that lasts at least three consecutive weeks, and that requires a student to spend no less than 10 hours per week on courses or work in the program.

A **specified educational program** is a program at post-secondary school level that lasts at least three consecutive weeks, and that requires a student to spend not less than 12 hours per-month on courses in the program.

A **post-secondary educational institution** includes:

- a university, college, or other designated educational institution in Canada;
- an educational institution in Canada certified by ESDC as offering non-credit courses that develop or improve skills in an occupation;
- a university outside Canada that has courses at the post-secondary school level at which a beneficiary was enrolled on a full-time basis in a course of not less than three consecutive weeks; and
- a university, college, or other educational institution outside Canada that has courses at the post-secondary school level at which a beneficiary was enrolled in a course of not less than 13 consecutive weeks.

Limit on EAPs

For RESPs entered into after 1998, the maximum amount of EAPs that can be made to a student as soon as he or she qualifies to receive them is:

- **for studies in a qualifying educational program** – \$5,000, for the first 13 consecutive weeks in such a program. After the student has completed the 13 consecutive weeks, there is no limit on the amount of EAPs that can be paid if the student continues to qualify to receive them. If there is a 12-month period in which the student is not enrolled in a qualifying educational

program for 13 consecutive weeks, the \$5,000 maximum applies again; or

- **for studies in a specified educational program** – \$2,500, for the 13-week period ending at the time of payment, whether or not the student is enrolled in such a program throughout that 13-week period.

Subject to the terms and conditions of the RESP, the promoter can supplement the \$5,000 or \$2,500 EAP by paying a portion of the contributions tax-free to the beneficiary.

ESDC may, on a case-by-case basis, approve an EAP amount of more than the above limit if the cost of tuition **plus** related expenses for a particular program is substantially higher than the average. For more information on how to request approval of an EAP of more than \$5,000 or \$2,500, promoters should call the Canada education savings program at **1-888-276-3624**.

Accumulated income payments

Accumulated income payments (AIPs) are amounts, usually paid to the subscriber, of the income earned from an RESP. An AIP **does not** include:

- the payment of EAPs;
- payments to a designated educational institution in Canada;
- the refund of contributions to the subscriber or to the beneficiary;
- transfers to another RESP; or
- repayments under the Canada Education Savings Act or under a designated provincial program.

AIPs cannot be made as a single joint payment to separate subscribers.

An RESP may allow for AIPs when the following conditions are met:

- the payment is made to, or for, a subscriber under the RESP who is resident in Canada; and
- the payment is made to, or for, only one subscriber of the RESP.

Note

When more than one individual is entitled to receive AIPs from the plan, the payments must be made separately to each person. No joint payments are allowed.

Also, **any one** of the following three conditions must apply:

- the payment is made after the year that includes the 9th anniversary of the RESP and each individual (other than a deceased individual) who is or was a beneficiary has reached 21 years of age and is not currently eligible to receive an EAP (see Note on page 13);
- the payment is made in the year that includes the 35th anniversary of the RESP, unless the RESP is a **specified plan** (see the definition on page 7) in which

case the payment is made in the year that includes the 40th anniversary of the RESP; or

- all the beneficiaries under the RESP are deceased when the payment is made.

Note

We may waive the conditions in the first bullet if it is reasonable to expect that a beneficiary under the RESP will not be able to pursue post-secondary education because he or she suffers from a severe and prolonged mental impairment. Such requests have to be made by the RESP promoter in writing to the following address:

Registered Plans Directorate
Canada Revenue Agency
Ottawa ON K1A 0L5

An RESP must be terminated by the end of February of the year after the year in which the first AIP is paid.

How AIPs are taxed

Promoters report AIPs in box 040 of a T4A slip, Statement of Pension, Retirement, Annuity and Other Income, and send a copy to the recipient of the AIP. The recipient has to include the AIP as income on his or her income tax and benefit return for the year he or she receives it. An AIP is subject to two different taxes: the **regular income tax** and an **additional tax** of 20% (12% for residents of Quebec).

Regular tax – This is the tax you calculate when you fill out your income tax and benefit return. It is based on your total taxable income.

Additional tax – You calculate this tax separately, using Form T1172, Additional Tax on Accumulated Income Payments from RESPs. Include a filled out copy of Form T1172 with your income tax and benefit return for the year you receive the AIP. You have to pay the additional tax by the balance due date for your regular tax, usually April 30 of the year that follows the year in which you received the AIP.

Reducing the amount of AIPs subject to tax – You can reduce the amount of AIPs subject to tax up to a lifetime maximum of \$50,000, if you are the original subscriber, you acquired the former subscribers’ rights as a consequence of marriage breakdown or, where there is no subscriber of the plan, you are or were the spouse or common-law partner of a deceased subscriber and you meet **both** of the following conditions:

- you contribute the amount to your registered retirement savings plan (RRSP), pooled registered pension plan (PRPP), or specified pension plan (SPP), or your spouse’s or common-law partner’s RRSP or SPP, in the year the AIPs are received or in the first 60 days of the following year; and
- your RRSP deduction limit allows you to deduct the amount contributed to your RRSP, PRPP, or SPP or your spouse’s or common-law partner’s RRSP or SPP on line 208 of your income tax and benefit return. Claim the deduction for the year in which any payments are made.

You cannot reduce the AIPs subject to tax if you became a subscriber under the plan after the death of the original subscriber.

By claiming a deduction for a contribution to your RRSP, PRPP, or SPP, you reduce your taxable income, which reduces your regular tax. The deduction for the contribution also reduces the amount of additional tax payable by reducing the amount of AIPs subject to tax (see Form T1172). If the amount of the deduction for the contribution equals the amount of the AIPs, the taxes on the AIPs are zero.

Promoters usually have to withhold regular and additional taxes on AIPs. However, they do not have to withhold tax if **both** of the following apply:

- the AIPs are transferred directly to your RRSP, PRPP, or SPP or your spouse’s or common-law partner’s RRSP or SPP; and
- your RRSP deduction limit allows you to deduct the contribution in the year it is made.

Fill out Form T1171, Tax Withholding Waiver on Accumulated Income Payments from RESPs, to ask the promoter to transfer the payment directly to your RRSP, PRPP or SPP or your spouse’s or common-law partner’s RRSP or SPP without withholding tax.

Example

The RESP under which Mary is an original subscriber allows AIPs. In July 2017, Mary received an AIP of \$16,000. She filled out Form T1171 to have \$14,000 transferred directly by the promoter to her RRSP. Mary’s RRSP deduction limit for 2017 is \$14,000. She did not make any other RRSP contributions during the year. She was a resident of Manitoba on December 31.

Mary fills out Form T1172 to determine the amount of additional tax she has to pay for 2017 as follows:

AIP for 2017	\$	16,000
Amount Mary deducts for 2017 for RRSP contributions from an AIP (this amount cannot be more than \$50,000 for all years).....	–	14,000
Amount subject to the additional tax.....	= \$	2,000
Rate.....	×	20%
Additional tax payable.....	= \$	400

Mary reports the AIP of \$16,000 on line 130 and the additional tax on line 418 of her 2017 tax return. She also claims the RRSP deduction of \$14,000 on line 208 and attaches a copy of Form T1172 to her return.

If Mary had received the amount in January 2017 and transferred it to an RRSP (provided her RRSP deduction limit was sufficient) she could have decided to claim all or part of the deduction for the 2016 tax year. This would have been possible because the amount would have been transferred in the first 60 days of 2017.

However, had she done so, she would not have been allowed to reduce the additional tax because the amount transferred to her RRSP has to be deducted on the tax return for the year in which the amount is received.

That is, on her 2017 tax return, Mary would determine the additional tax payable based on the full \$16,000 of the AIP. The additional tax is \$3,200 ($\$16,000 \times 20\%$).

Special rules

Changing the beneficiary

Generally, where an individual becomes a beneficiary “a new beneficiary” in place of another beneficiary “a former beneficiary” we treat the contributions for the former beneficiary as if they had been made for the new beneficiary on the date they were originally made. If the new beneficiary already has an RESP, this may create an excess contribution.

An exception to the general rule applies in certain limited situations. The exception ensures that the contribution history of the former beneficiary is not added to the contribution history of the new beneficiary in the determination of whether the new beneficiary’s lifetime contribution limit has been exceeded. These situations are as follows:

- the new beneficiary is under 21 years of age and the parent of the new beneficiary was a parent of the former beneficiary; or
- both beneficiaries are connected by a blood relationship or adoption to the original subscriber under the RESP and both beneficiaries are under 21 years of age.

Transferring RESP property to another RESP

Most transfers from one RESP to another RESP will have no tax implications. This is the case when the transferring RESP and the receiving RESP have the same beneficiary. There are also no tax implications when a beneficiary under the transferring RESP has a brother or sister (under 21 years of age at the time the receiving plan was entered into, unless the receiving plan is a family plan) who is a beneficiary under the receiving RESP.

In any other case, transfers can result in an excess contribution. This is because the RESP contribution history for each beneficiary under the transferring RESP is assumed by each beneficiary under the receiving RESP. We treat each contribution as if it had been made into the receiving RESP. In addition, we treat each subscriber under the transferring RESP as a subscriber under the receiving RESP. This means that he or she is liable for any tax on excess contribution.

Currently, a transfer of assets between individual RESPs may result in tax penalties and the repayment of the Canada Education Savings Grants and Canada Learning Bonds when the transfer occurs between plans held by siblings and the plan receiving the transfer amount is held by a sibling whose age exceeds 21.

Transfers of assets that occur after 2010 will allow these transfers without penalties and repayments if the plan receiving the transfer amount allows more than one beneficiary at a time or the beneficiary of a plan receiving

the transfer of assets had not reached 21 years of age when the plan was opened.

Rolling over RESP property on a tax-deferred basis to an RDSP

Rollovers can be made after 2013 from an RESP to an RDSP. In general terms, a subscriber of an RESP that allows accumulated income payments and a holder of an RDSP may jointly elect in prescribed form to rollover an accumulated income payment under the RESP to the RDSP if, at the time of the election, the RESP beneficiary is also the beneficiary under the RDSP.

To qualify for an education savings rollover, the beneficiary must meet the existing age and residency requirements in relation to RDSP contributions. As well, **one** of the following conditions must be met:

- the beneficiary is, or will be, unable to pursue post-secondary education because he or she has a severe and prolonged mental impairment.
- the RESP has been in existence for at least 35 years.
- the RESP has been in existence for at least 10 years and each beneficiary under the RESP has attained 21 years of age and is not eligible to receive educational assistance payments.

The education savings rollover to an RDSP will not be subject to regular income tax or the additional 20% tax. The RESP promoter must send Form RC435, Rollover from a Registered Education Savings Plan to a Registered Disability Savings Plan to the RDSP issuer and keep a copy of it on file. This will satisfy the RESP promoter’s requirement to file the election with the Canada Revenue Agency.

When an education savings rollover occurs, contributions in the RESP will be returned to the RESP subscriber on a tax-free basis. As well, CESGs and CLBs in the RESP will be required to be repaid to ESDC and the RESP terminated by the end of February of the year after the year during which the rollover is made. The education savings rollover to an RDSP:

- will be considered a private contribution for the purpose of determining whether the RDSP is a primarily government-assisted plan (PGAP), but will not attract Canada disability savings grants (CDSGs);
- will be included in the taxable portion of RDSP withdrawals made to the beneficiary; and
- may not exceed, and will reduce the RDSP contribution lifetime limit of \$200,000.

An education savings rollover cannot be made if the beneficiary:

- is not eligible for the disability tax credit (DTC);
- has died;
- is over 59 years of age in the year of the contribution; or
- is not a resident of Canada.

An education savings rollover cannot be made if the RDSP holder has not provided their consent to the rollover.

Anti-Avoidance Rules for RESP

Effective March 22, 2017, the budget proposes to extend the anti-avoidance rules governing the Registered Plans to the Registered Education Savings Plans.

The rules provide for a special tax on certain advantages that unduly exploit the tax attributes of an RESP, as well as special taxes on prohibited investments and on non-qualified investments.

Tax payable on prohibited investments

After March 22, 2017, if the RESP acquires a prohibited investment or if previously acquired property becomes prohibited, the investment will be subject to a special tax equal to 50% of the fair market value of the investment.

The tax is equal to 50% of the Fair Market Value (FMV) of the property at the time it was acquired or it became prohibited.

The tax is refundable in certain circumstances. For more information, see “Refund of taxes paid on non-qualified or prohibited investments” on page 16.

If the RESP acquired a prohibited investment after March 22, 2017, or a previously acquired property becomes a prohibited investment, the subscriber must file form RC339, Individual Return for Certain Taxes for RRSPs, RRIFs, RESPs or RDSPs.

If the prohibited investment ceases to be a prohibited investment while it is held by the RESP trust, the RESP trust is considered to have disposed of and immediately re-acquired the property at its FMV.

The subscriber is also liable for the 100% advantage tax on income earned and capital gains realized on prohibited investments.

The 100% advantage tax applies to income earned, and the portion of any realized capital gain that accrued, after March 22, 2017, regardless of when the prohibited investment generating the income or gain was acquired.

Note

If an investment is both a non-qualified investment and a prohibited investment, it is treated as a prohibited investment only.

Tax payable on non-qualified investments

After March 22, 2017, if the RESP trust acquires property that is a non-qualified investment or if previously acquired property becomes non-qualified, a tax is imposed on the subscriber of the RESP.

The tax is equal to 50% of the FMV of the property at the time it was acquired or it became non-qualified.

The tax is refundable in certain circumstances. For more information, see “Refund of taxes paid on non-qualified or prohibited investments” on page 16.

The subscriber is also liable for the 100% advantage tax on non-qualified investment income if this income is not withdrawn promptly.

If the RESP acquired a non-qualified investment after March 22, 2017, or a previously acquired property becomes a non-qualified investment, the subscriber must file form RC339, Individual Return for Certain Taxes for RRSPs, RRIFs, RESPs or RDSPs.

Note

If an investment is both a non-qualified investment and a prohibited investment, it is treated as a prohibited investment only and the trust is not subject to tax on the investment earnings.

Obligations of the RESP promoter

The budget proposes that **after March 22, 2017**, the promoter of an RESP must exercise the care, diligence and skill of a reasonably prudent person to minimize the possibility that a trust governed by the plan holds a non-qualified investment.

If the promoter fails to comply with this obligation, the promoter is liable to a penalty under the ITA.

The promoter will also be required to notify the subscriber of the RESP, in prescribed form and manner before March of a calendar year, if at any time in the preceding year the RESP trust acquired or began to hold a non-qualified investment.

Changes to the tax treatment of RESPs

For investments acquired **after March 22, 2017** (or investments acquired before March 23, 2017, that cease to be qualified investments after March 22, 2017), the budget proposes to repeal the 1% per month penalty tax imposed on an RESP trust that holds a non-qualified investment, and instead to subject the RESP trust to Part I tax on its income (including capital gains) from the investment. In addition, an RESP's registration would no longer become revocable as a result of the RESP trust's acquisition after March 22, 2017, of a non-qualified investment.

Reporting requirements by the RESP trust

Financial institutions are required to report information to CRA and the subscriber when an RESP trust begins or ceases to hold a non-qualified investment in a year.

Financial institutions must, by no later than the end of February in the year following the year in which the non-qualified property was acquired or previously acquired property became non-qualified, provide relevant information to us and the subscriber.

This information includes:

- a description of the non-qualified investment;
- the date that the non-qualified investment was acquired or disposed of (or became or ceased to be non-qualified), as applicable, and the FMV of the investment at that date; and
- the RESP contract or account number.

This information is necessary to enable the subscriber to determine the amount of any tax payable or of any possible refund of tax previously paid.

If you determine that a particular non-qualified investment held by your RESP trust is also a prohibited investment for the RESP trust, contact your promoter.

For more information, see Folio S3-F10-C2, Prohibited Investments – RRSPs, RRIFs and TFSAs.

Tax payable on an advantage

A 100% tax will be applied to transactions occurring, income earned and capital gains accruing **after March 22, 2017**.

If the subscriber or a person not dealing at arm's length with the subscriber (including the subscriber of the RESP) was provided with an advantage in relation to their RESP during the year, a tax is payable which is:

- in the case of a benefit, the FMV of the benefit;
- in the case of a loan or a debt, the amount of the loan or debt; and
- in the case of a registered plan strip, the amount of the Registered plan strip.

The tax is payable by the RESP subscriber, unless the advantage is extended by the promoter, in which case it is payable by the promoter.

When the advantage is extended by the promoter of an RESP, the promoter must file Form RC298, Advantage Tax Return for RRSP, TFSA, RDSP, or RESP issuers or RRIF carriers.

An RESP subscriber subject to this tax is required to file Form RC339, Individual Return for Certain Taxes for RRSPs, RRIFs, RESPs or RDSPs. The return must be filed no later than June 30 of the following year. Any tax owing must also be paid by that date.

Exceptions

The advantage rules will not apply to benefits related to a **swap transaction** if the transaction is:

- completed before 2022 and is undertaken to remove a property from an RESP, where it is reasonable to conclude that tax related to advantages, prohibited and non-qualified investments would be payable if the property was retained in the plan; and
- is completed before July 2017, in any other case.

Refund of taxes paid on non-qualified or prohibited investments

If the RESP trust disposed of a non-qualified or a prohibited investment, reported in Parts A and B of Form RC339, Individual Return for Certain Taxes for RRSPs, RRIFs, RESPs or RDSPs, you may be entitled to a refund of taxes paid if:

- the RESP trust disposes of the non-qualified or prohibited investment property in question before the end of the calendar year following the calendar year in which the tax arose; or

- the property ceases to be a non-qualified or prohibited investment before the end of the calendar year following the calendar year in which the tax arose.

However, no refund will be issued if it is reasonable to expect that the subscriber knew, or should have known, at the time the property was acquired by the RESP trust, that the property was, or would become a non-qualified or a prohibited investment.

Note

If you disposed of a prohibited investment reported in Parts A and B in the same calendar (tax) year that the non-qualified or prohibited investment was acquired, then remittance of the tax is not required. However, remittance of the tax is required if it is reasonable to expect that the subscriber knew, or should have known, at the time the property was acquired by the RESP trust, that the property was, or would become a non-qualified or a prohibited investment.

How to claim a refund

To claim a refund, you must:

- send a letter explaining why you are requesting a refund; and
- attach the appropriate documents detailing the information relating to the acquisition and disposition of the non-qualified or prohibited property.

The documents must contain the following:

- name and description of the property;
- date of the property was acquired or became non-qualified or prohibited property; and
- date of the disposition or the date that the property became qualified or ceased to be prohibited.

Waiver of liability or cancellation

We may waive or cancel all or part of the taxes if we determine it is fair to do so after reviewing all factors, including whether:

- the tax arose because of a reasonable error;
- the extent to which the transaction or series of transactions that gave rise to the tax also gave rise to another tax under the Income Tax Act; and
- the extent to which payments have been made from the RESP.

The waiver is limited to tax paid under the anti-avoidance rules and not taxes paid under any other part of the Income Tax Act.

To consider your request, we need a letter that explains why the tax liability arose, why this is a reasonable error, and why it would be fair to cancel or waive all or part of the tax.

Send your letter to one of the following addresses:

Canada Revenue Agency
Pension Workflow Team
Sudbury Tax Centre
PO Box 20000, Station A
Sudbury ON P3A 5C1

Or

Canada Revenue Agency
Pension Workflow Team
Winnipeg Tax Centre
PO Box 14000, Station Main
Winnipeg MB R3C 3M2

Online services

My Account

The CRA's My Account service is fast, easy, and secure.

Use My Account to:

- view your benefit and credit payment amounts and dates;
- view your notice of assessment;
- change your address, direct deposit information, and marital status;
- sign up for account alerts;
- check your TFSA contribution room and RRSP deduction limit;
- check the status of your tax return;
- request your proof of income statement (option "C" print); and
- link between your CRA My Account and My Service Canada Account.

How to register

For information, go to canada.ca/my-cra-account.

Sign up for online mail

Sign up for the CRA's online mail service to get most of your CRA mail, like your notice of assessment online.

For more information, go to canada.ca/taxes-online-mail.

MyCRA mobile app

Use MyCRA throughout the year to:

- view the amounts and dates of your personal benefit and credit payments;

- check your TFSA contribution room;
- change your address, direct deposit information, and marital status;
- let us know if a child is no longer in your care;
- sign up for online mail and account alerts; and
- request your proof of income statement (option "C" print).

Getting ready to file your income tax and benefit return?

Use MyCRA to:

- check your RRSP deduction limit;
- look up a local tax preparer; and
- see what tax filing software the CRA has certified.

Done filing? Use MyCRA to:

- check the status of your tax return; and
- view your notice of assessment.

For more information, go to canada.ca/cra-mobile-apps.

Electronic payments

Make your payment using:

- your financial institution's online or telephone banking services;
- the CRA's My Payment service at canada.ca/my-cra-payment; or
- pre-authorized debit at canada.ca/my-cra-account.

For more information on all payment options, go to canada.ca/payments.

For more information

What if you need help?

If you need more information after reading this publication, visit canada.ca/taxes or call 1-800-959-8281.

Electronic mailing lists

The CRA can notify you by email when new information on a subject of interest to you is available on the website. To subscribe to the electronic mailing lists, go to canada.ca/cra-email-lists.

Forms and publications

To get our forms and publications, go to canada.ca/cra-forms or call 1-800-959-8281.

Tax Information Phone Service (TIPS)

For personal and general tax information by telephone, use our automated service, TIPS, by calling 1-800-267-6999.

Teletypewriter (TTY) users

If you have a hearing or speech impairment and use a TTY, call 1-800-665-0354.

If you use an **operator-assisted relay service**, call our regular telephone numbers instead of the TTY number.

Service complaints

You can expect to be treated fairly under clear and established rules, and get a high level of service each time you deal with the CRA. See the Taxpayer Bill of Rights.

If you are not satisfied with the service you received, try to resolve the matter with the CRA employee you have been dealing with or call the telephone number provided in the CRA's correspondence. If you do not have contact information, go to canada.ca/cra-contact.

If you still disagree with the way your concerns were addressed, you can ask to discuss the matter with the employee's supervisor.

If you are still not satisfied, you can file a service complaint by filling out Form RC193, Service-Related Complaint. For more information and how to file a complaint, go to canada.ca/cra-service-complaints.

If the CRA has not resolved your service-related complaint, you can submit a complaint with the Office of the Taxpayers' Ombudsman.

Reprisal complaint

If you believe that you have experienced reprisal, fill out Form RC459, Reprisal Complaint.

For more information about reprisal complaints, go to canada.ca/cra-reprisal-complaints.

Tax information videos

We have a number of tax information videos for individuals on topics such as the income tax and benefit return, the Canadian tax system, and tax measures for persons with disabilities. To watch our videos, go to canada.ca/cra-video-gallery.

Related forms and publications

Forms

RC193	Service-Related Complaint
RC298	Advantage Tax Return for RRSP, TFSA, RDSP, or RESP issuers or RRIF carriers
RC339	Individual Return for Certain Taxes for RRSPs, RRIFs, RESPs or RDSPs
RC435	Rollover from a Registered Education Savings Plan to a Registered Disability Savings Plan
RC459	Reprisal Complaint
T1E-OVP	Individual Tax Return for RESP Excess Contributions
T1171	Tax Withholding Waiver on Accumulated Income payments from RESPs
T1172	Additional Tax on Accumulated Income Payments from RESPs
T4A	Statement of Pension, Retirement, Annuity, and Other Income

Information Circulars

IC93-3R2	Registered Educational Savings Plans
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