



THORSTEINSSONS LLP
TAX LAWYERS

Douglas Mathew

OFFICE: Vancouver & Toronto
CONTACT: dhmathew@thor.ca • (604) 602-4291 • (416) 864-0829

Featured Court Cases

Stephen Stow v. Her Majesty The Queen
[2010 TCC 406](#)

CCH Canadian Limited DTC Headnote: Federal income tax - Deductions - Partnership losses - On December 18, 2003 the taxpayer purchased an 80% interest in a Bermudian partnership established under a partnership agreement dated October 3, 2003 (the "Partnership"). On the assumption that the taxpayer had not acquired his partnership interest "with a view to profit" but to access the underlying Partnership losses, the Minister disallowed the deduction of the taxpayer's share of the Partnership's losses for December 31, 2003, and reallocated these losses to nil under s. 103 of the Act. The TCC held that: (a) the taxpayer acquired his Partnership interest with a view to profit; (b) that the losses claimed by him as deductions conformed precisely with his 80% partnership percentage share thereof; (c) the Minister's reallocation under s. 103 was not reasonable; and (d) the taxpayer was thus entitled to the partnership loss deduction claimed. Taxpayer's appeal allowed - I.T.A. ss. 96(1), 103(1), 103(1.1).

Court: Tax Court of Canada
Counsel: Mathew, Douglas for the Appellant

St. Michael Trust Corp. as Trustee of Garron Family Trust, et al., v. Her Majesty the Queen
2009 DTC 1287
[2009 TCC 450](#)

CCH Canadian Limited DTC Headnote: Taxation of off-shore trusts with Canadian beneficiaries — Capital gains — Treaty exemptions — General Anti-Avoidance Rule ("GAAR") — Whether trusts with Canadian beneficiaries established by non-resident settlor

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and with non-resident corporate trustee were resident in Canada and thus liable for Canadian tax on substantial realized capital gains — Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), ss. 39, 68, 75(2), 85, 94(1)(b), 94(1)(c), 94(6), 104(1), 104(2), 116, 245 — Canada–Barbados Income Tax Agreement, Articles I, III “person”, IV “resident of a Contracting State”, XIV(4), XXX(2) — Income Tax Conventions Interpretation Act, s. 4.1.

Court: Tax Court of Canada
Counsel: Mathew, Douglas for the Appellants

Doteasy Technology Inc. and In2Net Network Inc. v. Her Majesty the Queen

2009 DTC 1187

[2009 TCC 324](#)

CCH Canadian Limited DTC Headnote: Deductions — Reserves — Corporate taxpayers’ customers paid them “up front” for Internet Web site hosting services — Whether taxpayers entitled to deduct reserves relating to these services — Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), ss. 9, 12(1)(e), 20(1)(m).

Court: Tax Court of Canada
Counsel: Mathew, Douglas for the Appellants

Rene Nuytten (Appellant) v. Her Majesty the Queen (Respondent)

2007 DTC 1389

[2007 TCC 321](#)

CCH Canadian DTC Headnote: Assessment and appeals — Computation of business income — Scientific research and experimental development (“SR&ED”) expenses — Whether taxpayer entitled to claim a deduction for SR&ED expenses — Whether taxpayer incurred SR&ED expenses for year under appeal.

Court: Tax Court of Canada
Counsel: Mathew, Douglas for the Appellant

CCLI (1994) Inc. (Appellant) v. Her Majesty the Queen (Respondent)

2007 DTC 5372

[2007 FCA 185](#)

CCH Canadian Limited DTC Headnote: Foreign exchange gains and losses — Non-capital loss carryforwards — Whether Minister correct in assuming that all of corporate taxpayer's

foreign exchange gains and losses were capital, and were only to be reported when realized — Whether taxpayer entitled to carry some non-capital losses over from 1991 to 1993.

Court: Federal Court of Appeal
Counsel: Mathew, Douglas for the Appellant

Her Majesty the Queen (Appellant) v. Lake City Casinos (Respondent)
[2007 FCA 100](#)

Court: Federal Court of Appeal
Counsel: Mathew, Douglas for the Respondent

Terasen Gas v. The Queen
2006 PTC-BC-12
[2006 BCSC 1696](#)

CCH Canadian Limited PTC Headnote: Corporation capital tax — Capital value — Reliance on generally accepted accounting principles — Deferred credits — Whether contributions from federal and provincial governments to taxpayer for purposes of construction of natural gas pipeline were taxable as capital.

Court: B. C. Supreme Court
Counsel: Mathew, Douglas for the Appellant

Lake City Casinos (Appellant) v. The Minister of National Revenue (Respondent)
[2006 TCC 225](#)

Court: Tax Court of Canada
Counsel: Mathew, Douglas for the Appellant

Frank Klotz (Appellant) v. Her Majesty the Queen (Respondent)
2005 DTC 5279
[2005 FCA 158](#)

CCH Canadian Limited DTC Headnote: Charitable donation tax credits — Evaluation of artwork — Whether Tax Court judge erred in refusing to accept taxpayer's fair market value appraisal evidence.

Court: Federal Court of Appeal
Counsel: Mathew, Douglas for the Appellant

Nova Scotia Power Inc. (Appellant) v. Her Majesty the Queen (Respondent)

2004 DTC 6506

[2004 SCC 51](#)

CCH Canadian Limited DTC Headnote: Immunity from Federal Income Tax Act -- Crown Agents -- Whether corporation owned by province was an agent of Crown, and so not subject to provisions of Federal Income Tax Act -- Income Tax Act, R.S.C. 1985 (5th Supp.), c. 1, as amended, ss.2,21 -- Interpretation Act, R.S.c. 1985, c. I-21, s. 17 -- Nova Scotia Power Privatization Act, S.N.S. 1992, c. 8 -- Power Corporation Act, S.N.S. 1973, c. 47, ss. 4. 6.

Court: Supreme Court of Canada
Counsel: Mathew, Douglas for the Appellant

Royal Winnipeg Ballet v. Canada (Minister of National Revenue - M.N.R.)

[2004] T.C.J. No. 291

[2004 TCC 390](#)

Appeals heard on common evidence with the Appeals of: Kerrie Souster v. The Queen (EI and CPP) John Wright v. The Queen (EI and CPP) Tara Birtwhistle v. The Queen (EI and CPP)

Tax Court of Canada
Counsel: Mathew, Douglas for the Appellant

Frank Klotz (Appellant) v. Her Majesty the Queen (Respondent)

2004 DTC 2236

[2004 TCC 147](#)

*CCH Canadian Limited DTC Headnote:*Charitable gift tax credits — Paintings — Fair market value calculation — Taxpayer acquired limited edition prints for approximately \$300 each — Without taking possession, taxpayer donated prints two days later to a university in the United States, received charitable donation receipt for approximately \$1,000 per print — Whether Minister justified in valuating the gift for charitable gift tax credit purposes at \$300 per print — Whether prints personal-use property, entitling taxpayer to benefits of paragraph 46(1)(a) of the Act — Whether penalties justified.

Court: Tax Court of Canada
Counsel: Mathew, Douglas for the Appellant

Her Majesty the Queen (Appellant) v. Nova Scotia Power Inc. (Respondent)

2003 DTC 5090

[2003 FCA 33](#)

CCH Canadian Limited DTC Headnote: Immunity from the provisions of the federal Income Tax Act ("the Act") — Provincially owned corporation — Determination of questions of law — Under the provisions of a provincial statute, Nova Scotia Power Corporation selling all its electricity generating assets in 1992 to the corporate taxpayer ("Power Inc.") — Whether the Corporation acting as an agent of the Crown so that various provisions of the Act not applying to it, thus preventing it from electing under the Act to have the interest costs (associated with the purchase of its assets) added to the capital cost of those assets, to enable the purchaser of those assets (i.e., "Power Inc.") to claim increased capital cost allowance ("CCA").

Court: Federal Court of Appeal
Counsel: Mathew, Douglas for the Respondent

Her Majesty the Queen (Appellant) v. Jabin Investments Ltd. (Respondent)

2003 DTC 5027

[2002 FCA 520](#)

CCH Canadian Limited DTC Headnote: Deductions — Non-capital losses — General anti-avoidance rule ("GAAR") — Corporate taxpayer indebted to the Bank of Montreal ("the Bank") — The Bank selling the debt to a holding company which had been incorporated to "park" the debt, it being understood by certain of its shareholders and by the taxpayer that the debt would not be collected, but would remain legally enforceable — Purpose of the transaction to avoid the settlement or extinguishment of the debt, to prevent the application of section 80 of the Act as it then read, and to preserve taxpayer's accumulated non-capital losses for future use — Minister disallowing the deduction of some of such non-capital losses, relying on the GAAR provisions of section 245 of the Act — Whether Minister's position justified.

Court: Federal Court of Appeal
Counsel: Mathew, Douglas for the Respondent

Grove Acceptance Limited (Appellant) v. Her Majesty the Queen (Respondent)

2002 DTC 2172

[2002 TCC](#)

CCH Canadian Limited DTC Headnote: Deferral of recognition of capital gains and recaptured capital cost allowance ("CCA") — Former business properties

Court: Tax Court of Canada

Counsel: Mathew, Douglas for the Appellant

The Attorney General of Canada (Appellant) v. Buchanan (Respondent)

2002 DTC 7397

[Case Summary](#)

Court: Federal Court of Appeal

Counsel: Mathew, Douglas for the Respondent

Precision Gutters Ltd. v. Minister of National Revenue

[2002 FCA 207](#)

Court: Federal Court of Appeal

Counsel: Mathew, Douglas for the Applicant

Nova Scotia Power Inc. (Appellant) v. Her Majesty the Queen (Respondent)

2002 DTC 1432

[Case Summary](#)

Court: Tax Court of Canada

Counsel: Mathew, Douglas for the Appellant

C.W. Agencies Inc. (Appellant) v. Her Majesty the Queen (Respondent)

2002 DTC 6740

[Case Summary](#)

Court: Federal Court of Appeal

Counsel: Mathew, Douglas for the Appellant

Jabin Investments Limited (Appellant) v. Her Majesty the Queen (Respondent)

2001 DTC 1002

[Case Summary](#)

Court: Tax Court of Canada

Counsel: Mathew, Douglas for the Appellant

Granite Bay Charters Ltd. (Appellant) v. Her Majesty the Queen (Respondent)

2001 DTC 615

[Case Summary](#)

Court: Tax Court of Canada

Counsel: Mathew, Douglas for the Appellant

Precision Gutters Ltd. (Appellant) v. Her Majesty the Queen (Respondent)

[2001] T.C.J. No. 24

Court: Tax Court of Canada

Counsel: Mathew, Douglas for the Appellant

The Attorney General of Canada and Her Majesty the Queen (Applicants) v. Lynda McKinnon, Ronald LaPointe and Brad Worrell (Respondents)

2000 DTC 6593

[Case Summary](#)

Court: Federal Court of Appeal

Counsel: Mathew, Douglas for the Respondents

Her Majesty the Queen (Appellant) v. Thomas J. Allen (Respondent)

2000 DTC 6559

[Case Summary](#)

Court: Federal Court of Appeal

Counsel: Mathew, Douglas for the Appellant

Her Majesty the Queen (Appellant) v. Edward Milewski (Respondent)

2000 DTC 6559

[Case Summary](#)

Court: Federal Court of Appeal

Counsel: Mathew, Douglas for the Respondent

Her Majesty the Queen (Appellant) v. Sussex Square Apartments Limited (Respondent)

2000 DTC 6548

[Case Summary](#)

Court: Federal Court of Appeal

Counsel: Mathew, Douglas for the Respondent

C.W. Agencies Inc. (Appellant) v. Her Majesty the Queen (Respondent)

2000 DTC 2372

[Case Summary](#)

Court: Tax Court of Canada

Counsel: Mathew, Douglas for the Appellant

Timothy R. Pedwell (Appellant) v. Her Majesty the Queen (Respondent)

2000 DTC 6405

[Case Summary](#)

Court: Federal Court of Appeal

Counsel: Mathew, Douglas for the Appellant

Thomas J. Allen and Edward R. Milewski (Appellants) v. Her Majesty the Queen (Respondent)

99 DTC 968

[Case Summary](#)

Court: Tax Court of Canada

Counsel: Mathew, Douglas for the Appellants

S. Gordon Fukushima (Appellant) v. Her Majesty the Queen (Respondent)

99 DTC 553

[Case Summary](#)

Court: Tax Court of Canada

Counsel: Mathew, Douglas for the Appellant

RIS-Christie Ltd., (Appellant) v. Her Majesty the Queen (Respondent)

99 DTC 5087

[Case Summary](#)

Court: Federal Court of Appeal

Counsel: Mathew, Douglas for the Appellant

Timothy R. Pedwell (Appellant) v. Her Majesty the Queen (Respondent)

99 DTC 63

[Case Summary](#)

Court: Tax Court of Canada

Counsel: Mathew, Douglas for the Appellant

Bradley Worrell, Lynda McKinnon and Ronald Lapointe (Appellants) v. Her Majesty the Queen (Respondent)

98 DTC 1783

[Case Summary](#)

Court: Tax Court of Canada

Counsel: Mathew, Douglas for the Appellant

Phillip Overin (Appellant) v. Her Majesty the Queen (Respondent)

98 DTC 1299

[Case Summary](#)

Court: Tax Court of Canada

Counsel: Mathew, Douglas for the Appellant

The Attorney General of Canada (Applicant) v. Michael Mastri and June Mastri (Respondents)

97 DTC 5420

[Case Summary](#)

Court: Federal Court of Appeal

Counsel: Mathew, Douglas for the Respondents

Linfields Limited (Appellant) v. Her Majesty the Queen (Respondent)

97 DTC 545

[Case Summary](#)

Court: Tax Court of Canada

Counsel: Mathew, Douglas for the Appellant

Odyssey Industries Incorporated (Appellant) v. Her Majesty the Queen (Respondent)

97 DTC 498

[Case Summary](#)

Court: Tax Court of Canada

Counsel: Mathew, Douglas for the Appellant

Bharat K. Jasani (Appellant) and Her Majesty the Queen (Respondent)

[1995] T.C.J. No. 861

Court: Tax Court of Canada

Counsel: Mathew, Douglas for the Appellant

Louise Darch and Gail Wright (Plaintiffs) v. Her Majesty the Queen (Defendant)

92 DTC 6366

[Case Summary](#)

Court: Federal Court -- Trial Division

Counsel: Mathew, Douglas for the Plaintiff

Crestbrook Forest Industries Ltd. (Appellant) v. Her Majesty the Queen (Respondent)

92 DTC 6187

[Case Summary](#)

Court: Federal Court of Appeal

Counsel: Mathew, Douglas for the Appellant

Crestbrook Forest Industries Limited (Plaintiff) v. Her Majesty the Queen (Defendant)

91 DTC 5521

[Case Summary](#)

Court: Federal Court -- Trial Division

Counsel: Mathew, Douglas for the Plaintiff