BETWEEN:		Docket: 2012-2684(IT)I
DON	C. SPRINGER,	Appellant,
and		трренан,
HER MAJ	ESTY THE QUEEN	, Respondent.
Appeal heard on Octo	ober 9, 2013 at Winds	sor, Ontario
By: The Honoural	ble Justice Judith M.	Woods
Appearances:		
For the Appellant:	The Appellant him	self
Counsel for the Respondent:	Shane Aikat	
<u>J(</u>	<u>UDGMENT</u>	
It is ordered that the appeal with <i>Income Tax Act</i> for the 2010 taxation own costs.		
Signed at Toronto, Ontario this 2	22nd day of October 2	2013.
"J.	M. Woods"	
	Woods J.	

Citation: 2013 TCC 332

Date: 20131022

Docket: 2012-2684(IT)I

BETWEEN:

DON C. SPRINGER,

Appellant,

and

HER MAJESTY THE QUEEN,

Respondent.

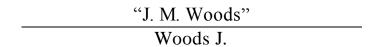
## REASONS FOR JUDGMENT

## Woods J.

- [1] From time to time, Don Springer has withdrawn money from his RRSP and he understands that such withdrawals are subject to tax.
- [2] In the 2010 taxation year, Mr. Springer stated that he made a mistake by withdrawing \$19,966 and his income was bumped up to a higher tax rate as a result. Mr. Springer acknowledges that he should have tracked his withdrawals so that his income was taxed at the lowest rate.
- [3] Mr. Springer appeals in respect of the assessment for the 2010 taxation year and seeks relief from the higher tax rate. He submits that a fair result would be for the income to be taxed at the lower rate.
- [4] Mr. Springer submits that the tax on the RRSP withdrawal is particularly harsh because the amount withdrawn is subject to double tax because it was taxed as earnings before it was transferred to the RRSP.
- [5] First, I am not satisfied that there has been any double tax. Mr. Springer testified that the RRSP account was funded by a transfer of pension monies when he retired from CP Rail several years ago.

- [6] Generally, employees are not subject to double tax on pension or RRSP funds or on transfers between these plans. Tax on these amounts is generally imposed only when the funds are withdrawn by the individual, which in this case occurred when Mr. Springer withdrew \$19,966 in 2010.
- [7] Without Mr. Springer providing support for his submission that there is double tax, I am not satisfied that there is.
- [8] Second, it is well established that this Court cannot provide relief on grounds of policy, equity or fairness. The Court is required to apply the provisions of the legislation regardless of the consequences in a particular case (*Chaya v The Queen*, 2004 FCA 327). Accordingly, even if the result is unfair, no relief can be provided.
- [9] The appeal will be dismissed.

Signed at Toronto, Ontario this 22nd day of October 2013.



**CITATION:** 2013 TCC 332 COURT FILE NO.: 2012-2684(IT)I STYLE OF CAUSE: DON C. SPRINGER and HER MAJESTY THE QUEEN Windsor, Ontario PLACE OF HEARING: October 9, 2013 DATE OF HEARING: REASONS FOR JUDGMENT BY: The Honourable Justice J.M. Woods October 22, 2013 DATE OF JUDGMENT: **APPEARANCES:** For the Appellant: The Appellant himself Shane Aikat Counsel for the Respondent: COUNSEL OF RECORD: For the Appellant: Name: n/a

For the Respondent: William F. Pentney

Firm:

Deputy Attorney General of Canada

Ottawa, Ontario