

Docket: 2012-2684(IT)I

BETWEEN:

DON C. SPRINGER,

Appellant,

and

HER MAJESTY THE QUEEN,

Respondent.

Appeal heard on October 9, 2013 at Windsor, Ontario

By: The Honourable Justice Judith M. Woods

Appearances:

For the Appellant: The Appellant himself

Counsel for the Respondent: Shane Aikat

JUDGMENT

It is ordered that the appeal with respect to an assessment made under the *Income Tax Act* for the 2010 taxation year is dismissed. Each party shall bear their own costs.

Signed at Toronto, Ontario this 22nd day of October 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[1] From time to time, Don Springer has withdrawn money from his RRSP and he understands that such withdrawals are subject to tax.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 Springer submits that the tax on the RRSP withdrawal is particularly harsh because the amount withdrawn is subject to double tax because it was taxed as earnings before it was transferred to the RRSP.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 Tax on these amounts is generally imposed only when the funds are withdrawn by the individual, which in this case occurred when Mr.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.

“J. M. Woods”

Woods J.

CITATION: 2013 TCC 332

COURT FILE NO.: 2012-2684(IT)I

STYLE OF CAUSE: DON C. SPRINGER and HER MAJESTY
THE QUEEN

PLACE OF HEARING: Windsor, Ontario

DATE OF HEARING: October 9, 2013

REASONS FOR JUDGMENT BY: The Honourable Justice J.M. Woods

DATE OF JUDGMENT: October 22, 2013

APPEARANCES:

For the Appellant: The Appellant himself

Counsel for the Respondent: Shane Aikat

COUNSEL OF RECORD:

For the Appellant:

Name: n/a

Firm:

For the Respondent: William F. Pentney
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Ottawa, Ontario