

Docket: 2024-1537(IT)APP

BETWEEN:

AMARPAL SINGH PERSONAL REAL ESTATE CORPORATION,

Applicant,

and

HIS MAJESTY THE KING,

Respondent.

Application heard on March 3, 2025 at Vancouver, British Columbia

Before: The Honourable Justice David E. Spiro

Appearances:

Agent for the Applicant: Amarpal Singh

Counsel for the Respondent: Michaela Aeberhardt

JUDGMENT

The application for an extension of time to serve a notice of objection on the Minister of National Revenue against the reassessment for the Applicant's 2019 taxation year is dismissed without costs.

Signed this 6th day of March 2025.

“David E. Spiro”

Spiro J.

Citation: 2025 TCC 38
Date: 20250306
Docket: 2024-1537(IT)APP

BETWEEN:

AMARPAL SINGH PERSONAL REAL ESTATE CORPORATION,

Applicant,

and

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Respondent.

REASONS FOR JUDGMENT

Spiro J.

[1] Amarpal Singh is a realtor in Delta, British Columbia. He incorporated a personal services business, meaning that all real estate commissions he earned were income of the Amarpal Singh Personal Real Estate Corporation (the “Applicant”).

The Facts and the Law

[2] Mr. Singh testified that the Applicant received commission income in 2019 from a single payor, namely, Nationwide Realty Corp. (“Nationwide”) in Surrey, B.C. Nationwide issued a T4A for 2019 in the amount of \$53,257.84.¹ It then issued an Amended T4A for 2019 in the amount of \$55,074.34.² Both were issued to the Applicant.

¹ Exhibit A-1.

² Exhibit A-2.

[3] But then the Minister of National Revenue (the “Minister”) made a stupid mistake. Rather than recognizing that the Amended T4A *replaced* the original T4A, the Minister *added* the amount reflected on the Amended T4A to the amount reflected on the original T4A, leading to an erroneous reassessment of the Applicant’s income for 2019 of \$108,332.18.

[4] Mr. Singh testified that he first heard from the Canada Revenue Agency (the “CRA”) by letter dated August 26, 2022, proposing to reassess the Applicant for T4A income of \$108,331 from Nationwide for the 2019 taxation year.³

[5] Mr. Singh testified that he called the author of that letter at least twice. He said that the author of the letter agreed that only the amount reflected on the Amended T4A should be included in the Applicant’s income. He made no notes of those conversations.

[6] The affidavit filed by an officer of the CRA states that the notice of reassessment for the Applicant’s 2019 taxation year was posted on the Applicant’s secure online account on October 12, 2022 (the “Notice of Reassessment”).⁴ The evidence led by the Applicant did not rebut that.⁵

³ Exhibit A-3. In the letter, the author refers to an earlier audit enquiry letter dated July 15, 2022. Mr. Singh does not recall having received that earlier letter. I find that difficult to believe.

⁴ Exhibit R-1, Affidavit of Perdita Tsui of the CRA, February 14, 2025 (the “CRA Affidavit”), subparagraph 3(g)(iii). It is disappointing that the CRA affidavit says absolutely nothing about the reassessment itself. The CRA ought to have told the Court and the Applicant that it effectively double-counted the Applicant’s income for its 2019 taxation year. Why this egregious error was not rectified by the CRA’s internal “quality control” remains a mystery.

⁵ Mr. Singh’s memory was sketchy at best. He testified initially that he provided the CRA with two email addresses, neither of which was the one mentioned at paragraph 3(a) of the CRA affidavit. He then changed his story and testified that the Applicant *never* elected to receive communications from the CRA electronically. Mr. Singh denied having seen the Notice of Reassessment, though the CRA affidavit reflects viewings of it on November 25, 2022, August 18, 2023, September 20, 2023, and March 18, 2024 (paragraph 3(h) of the CRA affidavit). As Mr. Singh kept exceedingly poor records, and as his powers of recollection were somewhat selective, I have chosen to rely on the records kept by the Minister as reflected in the CRA affidavit.

[7] Under paragraph 165(1)(b) of the *Income Tax Act* (the “Act”), the 90-day period within which the Applicant could serve a notice of objection on the Minister ran from October 12, 2022, to January 10, 2023.⁶ No notice of objection was served within that time.

[8] Under paragraph 166.1(7)(a) of the Act, the Applicant then had until January 10, 2024, to file an application with the Minister to extend the time for serving a notice of objection.⁷ It failed to do so.

[9] In an attempt to salvage its right to appeal, the Applicant attempted to serve a notice of objection on the Minister on March 24, 2024.⁸

The Applicant’s Problem

[10] The Applicant’s problem is that it did not serve a notice of objection on the Minister within 90 days of the date on which the Minister sent the Notice of Reassessment by posting it to the Applicant’s “My Business Account”, nor did it apply to the Minister for an extension of time to serve a notice of objection within one year of the expiration of that 90-day period.

⁶ With respect to corporate notices of assessment or reassessment, paragraph 165(1)(b) of the Act starts the clock ticking “90 days after the day of sending of the notice of assessment.” In light of subsection 244(6.1) of the Act, I am satisfied on a balance of probabilities that the Notice of Reassessment was sent on October 12, 2022. Under subsection 244(14.2) of the Act, a notice is presumed to be sent to a person on the date that it is posted by the Minister in the secure electronic account in respect of a business number of the person. Based on the CRA affidavit, and in the absence of evidence to the contrary, I am satisfied that the Notice of Reassessment was sent to the Applicant on October 12, 2022, as that was the date on which it was posted to the Applicant’s “My Business Account”.

⁷ Under paragraph 166.2(5)(a) of the Act, the Court is unable to grant an application for an extension of time to serve a notice of objection unless an application was made to the Minister under subsection 166.1(1) within one year from the expiration of the 90 day period.

⁸ Exhibit R-1, the CRA affidavit, paragraph 8. There was also an attempt by the Applicant’s tax preparer and bookkeeper to upload documents to “Corporation Post Assessing Review” at the CRA on February 13 or 14, 2024, but that was too little too late as the last date for filing an application with the Minister to extend the time for serving a notice of objection fell on January 10, 2024 (Exhibit A-6).

The Applicant's Argument

[11] In argument, Mr. Singh made the following points:

- a. he never saw the Notice of Reassessment;
- b. the CRA must have tape-recorded his calls with the author of the proposal letter;
- c. the CRA is harassing him by trying to collect amounts owing by the Applicant; and
- d. rather than recognizing that the Amended T4A *replaced* the original T4A, the CRA erred in *adding* the amount reflected on the Amended T4A to the amount reflected on the original T4A leading to a reassessment of the Applicant on the erroneous basis that its total commission income for 2019 was \$108,332.18.

[12] The only material point is (d) but, even then, there is nothing the Court can do. As Justice Webb stated in *Riley v The Queen*, 2012 TCC 208:

[8] Unfortunately there is no discretion to extend the deadlines as set out in the *Act* and the provisions of subsection 166.2(5) of the *Act* are clear that no application may be granted by this Court unless both the requirements of paragraph (a) and (b) are satisfied. In this case the Applicant has failed to satisfy the requirements of paragraph 166.2(5)(a) of the *Act*.

[13] Although the Minister made a stupid mistake in reassessing, I have no discretion to extend the time limitations set out in the *Act*.

Conclusion

[14] The application for an extension of time to serve a notice of objection on the Minister against the reassessment for the Applicant's 2019 taxation year is dismissed without costs.

Signed this 6th day of March 2025.

“David E. Spiro”

Spiro J.

CITATION: 2025 TCC 38
COURT FILE NO.: 2024-1537(IT)APP
STYLE OF CAUSE: AMARPAL SINGH PERSONAL REAL ESTATE CORPORATION AND HIS MAJESTY THE KING

PLACE OF HEARING: Vancouver, British Columbia

DATE OF HEARING: March 3, 2025

REASONS FOR JUDGMENT BY: The Honourable Justice David E. Spiro

DATE OF JUDGMENT: March 6, 2025

APPEARANCES:

Agent for the Applicant: Amarpal Singh

Counsel for the Respondent: Michaela Aeberhardt

COUNSEL OF RECORD:

For the Applicant:

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Firm: n/a

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