

## Guidance for completion of FATCA Documentation for Entity Accounts excluded from the definition of Financial Account

- The purpose of this document is to assist Canadian entities to determine their FATCA entity type in accordance with the Canadian Intergovernmental Agreement (“IGA”) and to provide the applicable documentation required. **Do not continue if this is not a Canadian entity.**
- A Canadian entity should determine whether it is an account or product type that is excluded from the definition of Financial Account for FATCA purposes before completion of a W-8BEN-E

If you are:	Action required
Entity type that is excluded from the definition of financial account under the relevant U.S. Regulations	<p>Estates are excluded from the definition of financial account under the U.S. Treasury Regulations</p> <ul style="list-style-type: none"> <li>• Complete the Alternative Certification Form – attached</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>• Complete Form W-8BEN-E as follows: <b>only</b> Parts I to III, as applicable, and Part XXIX</li> </ul> <p><b>Note:</b> <u>DO NOT</u> complete <u>Line 5</u> of Part I</p>
Entity or product type excluded the definition of financial account under Annex II, section IV of Canadian IGA	<p>See definition of Accounts and Products established in Canada that are excluded from being Financial Accounts under Annex II - Non-Reporting Canadian Financial Institutions and Products of the Canadian IGA.</p> <ul style="list-style-type: none"> <li>• Complete the Alternative Certification Form – attached</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>• Complete Form W-8BEN-E as follows: <b>only</b> Parts I to III, as applicable, and Part XXIX</li> </ul> <p><b>Note:</b> <u>DO NOT</u> complete <u>Line 5</u> of Part I</p>

### Annex II, section IV –

#### Accounts and Products established in Canada that are excluded from the definition of Financial Account

The following accounts and products established in Canada and maintained by a Canadian Financial Institution shall be treated as excluded from the definition of Financial Accounts, and therefore shall not be treated as U.S. Reportable Accounts under the Agreement:

- A. Registered Retirement Savings Plans (RRSPs) – as defined in subsection 146(1) of the *Income Tax Act*.
- B. Registered Retirement Income Funds (RRIFs) – as defined in subsection 146.3(1) of the *Income Tax Act*.
- C. Pooled Registered Pension Plans (PRPPs) – as defined in subsection 147.5(1) of the *Income Tax Act*.
- D. Registered Pension Plans (RPPs) – as defined in subsection 248(1) of the *Income Tax Act*.
- E. Tax-Free Savings Accounts (TFSA) – as defined in subsection 146.2(1) of the *Income Tax Act*.
- F. Registered Disability Savings Plans (RDSPs) – as defined in subsection 146.4(1) of the *Income Tax Act*.
- G. Registered Education Savings Plans (RESPs) – as defined in subsection 146.1(1) of the *Income Tax Act*.
- H. Deferred Profit Sharing Plans (DPSPs) – as defined in subsection 147(1) of the *Income Tax Act*.
- I. AgriInvest accounts – as defined under “NISA Fund No. 2” and “net income stabilization account” in subsection 248(1) of the *Income Tax Act* including Quebec’s Agri-Quebec program as prescribed in section 5503

of the *Income Tax Regulations*.

J. Eligible Funeral Arrangements – as defined under subsection 148.1 of the *Income Tax Act*.

K. Escrow Accounts. An account maintained in Canada established in connection with any of the following:

1. A court order or judgment.

2. A sale, exchange, or lease of real or immovable property or of personal or movable property, provided that the account satisfies the following requirements:

a. The account is funded solely with a down payment, earnest money, deposit in an amount appropriate to secure an obligation directly related to the transaction, or a similar payment, or is funded with a financial asset that is deposited in the account in connection with the sale, exchange, or lease of the property;

b. The account is established and used solely to secure the obligation of the purchaser to pay the purchase price for the property, the seller to pay any contingent liability, or the lessor or lessee to pay for any damages relating to the leased property as agreed under the lease;

c. The assets of the account, including the income earned thereon, will be paid or otherwise distributed for the benefit of the purchaser, seller, lessor, or lessee (including to satisfy such person's obligation) when the property is sold, exchanged, or surrendered, or the lease terminates;

d. The account is not a margin or similar account established in connection with a sale or exchange of a financial asset; and

e. The account is not associated with a credit card account.

3. An obligation of a Financial Institution servicing a loan secured by real or immovable property to set aside a portion of a payment solely to facilitate the payment of taxes or insurance related to the real or immovable property at a later time.

4. An obligation of a Financial Institution solely to facilitate the payment of taxes at a later time.

L. An account maintained in Canada and excluded from the definition of Financial Account under an agreement between the United States and another Partner Jurisdiction to facilitate the implementation of FATCA, provided that such account is subject to the same requirements and oversight under the laws of such other Partner Jurisdiction as if such account were established in that Partner Jurisdiction and maintained by a Partner Jurisdiction Financial Institution in that Partner Jurisdiction.

**References:**

- [IRS Instructions W-8BEN-E - Link to IRS website \(released June 20, 2014\)](http://www.irs.gov/pub/irs-pdf/iw8bene.pdf) (<http://www.irs.gov/pub/irs-pdf/iw8bene.pdf>)

## Canadian Intergovernmental Agreement (IGA) Certification Form - Excluded Entity

**The certifications below form an integral part of the attached Form W-8BEN-E.**

This certification has been provided by (entity name) \_\_\_\_\_ in order for RBC<sup>1</sup> to meet its due diligence requirements as a Registered Deemed Compliant FFI under the Intergovernmental Agreement (IGA) between the United States and Canada.

I certify that the entity identified in Part I of the attached Form W-8BEN-E is an entity that is excluded from the definition of financial account under Annex II, section IV of the Canadian IGA or under relevant U.S. Treasury Regulations

\_\_\_\_\_  
**Signature of individual authorized to sign for the entity**

\_\_\_\_\_  
**Date**

<sup>1</sup>“RBC” includes: RBC Dominion Securities Inc., RBC Direct Investing Inc., Royal Trust Corporation of Canada, The Royal Trust Company