

Tax Matters@EY

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TaxMatters@EY

TaxMatters@EY is an update on recent Canadian tax news, case developments, publications and more.

What happens when an FHSA holder dies?

Krista Fox and Alan Roth, Toronto

For many Canadians, a first home savings account (FHSA) can be an effective tool for saving for a down payment on a first home while benefiting from favourable tax treatment. Although the focus is on building and eventually using those savings, it's also important to understand what happens if an FHSA holder dies.

The FHSA holder's death gives rise to a range of complex tax consequences. Some planning may, in certain cases, help to minimize or defer the resulting tax impact.

Let's take a look at the main tax consequences that may occur when an FHSA holder dies and the rules that may apply to successor holders and beneficiaries, which may include the deceased's estate.

How FHSAs work

An FHSA is a type of registered account intended to help Canadians save for a down payment on their first home. Contributions to an FHSA are tax deductible and income and gains earned in an FHSA are generally not subject to tax.

Qualifying withdrawals made by "first-time buyers" to purchase a home can be made tax free.¹ You may contribute up to \$8,000 annually to your FHSA, subject to a \$40,000 lifetime limit. Penalty taxes may be imposed in relation to excess FHSA contributions, the accumulation of certain benefits or advantages from an FHSA, or holding prohibited or nonqualified investments in an FHSA.

¹ You're considered a first-time buyer for purposes of making a qualifying withdrawal from an FHSA if you did not live in a qualifying home as your principal place of residence that you owned in any of the four previous calendar years before the year of the withdrawal, and in the current year up to 31 days before the withdrawal. For example, if you make a withdrawal on October 31, 2026, you cannot have had an owner-occupied home at any time from January 1, 2022 to September 30, 2026. This means that you may be able to requalify as a first-time buyer if you have not owned a home for several years.



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You'll need to close your FHSA by the end of the "maximum participation period," which is the end of the year in which the earliest of the following events occurs:²

- The 15th anniversary of the opening of your first FSHA
- The year you turn 71
- The year following your first qualifying withdrawal from the FHSA

The maximum participation period begins when you open your FHSA.

For more information about FHSAs, refer to the chapter "Families" in our annual publication [Managing your Personal Taxes](#).

What happens to the account after death?

After an FHSA holder dies, no further contributions or transfers can be made to their account. The deceased FHSA holder generally does not have a deemed income inclusion for the fair market value of the FHSA property at death. Instead, tax may apply when amounts are distributed to beneficiaries – which may include the estate or when the account stops qualifying as an FHSA.³ This generally happens at the end of the calendar year following the year of death, (the end of what is known as the "exempt period,") or on the date the FHSA is closed, if earlier. In certain circumstances, the funds may be transferred on a tax-deferred basis.

Special tax rules apply if the holder designates their survivor as the successor holder or a beneficiary of their FHSA in either the FHSA contract or in their will.⁴ The survivor is either the spouse or common law partner of the deceased.

The tax consequences also depend on whether a survivor who is a successor holder is also a "qualifying individual," which is defined as a Canadian resident who is 18 years of age or older and meets the conditions required to be considered a first-time home buyer. For the purpose of opening an FHSA, an individual is generally a first-time home buyer if the individual, or their spouse or common law partner, did not own a qualifying home that the individual lived in as their principal residence earlier in the same calendar year or in any of the previous four years.⁵

Survivor who is a successor holder and a qualifying individual⁶

If you are a survivor who is a successor holder and a qualifying individual at the time of the FHSA holder's death, you become the account's new holder immediately after the holder's death, acquiring all of the rights under the arrangement. The account's assets will effectively be transferred to you without reducing your own FHSA contribution room at that time.

During the exempt period, you may choose to transfer the FHSA's full balance to your RRSP or RRIF on a tax-deferred basis,⁷ or withdraw all the funds from the FHSA, which would be treated as a taxable withdrawal to you.

² Subsection 146.6(1) "maximum participation period" of the *Income Tax Act* (the Act).

³ A beneficiary may also include a qualified donee who has been designated as a beneficiary of the FHSA under the applicable provincial law.

⁴ Although we don't cover it in this article, if the deceased holder had an excess FHSA amount (e.g., an overcontribution) at the time of their death, the survivor will need to reduce the amount they transfer into their own FHSA, RRSP or RRIF to avoid certain immediate tax consequences.

⁵ Subsection 146.6(1) "qualifying individual."

⁶ Subsection 146.6(13) of the Act.

⁷ A direct transfer to your RRSP will not affect your RRSP contribution room.

However, if you make any contributions or transfers to the FHSA or any qualifying withdrawals from it after the holder's death, you will be treated as having opened a new FHSA immediately after the time of death. Similarly, if you choose to keep the FHSA, you will also be treated as having opened a new FHSA immediately after the holder's death. In these circumstances, your maximum participation period will begin as of the date of the deceased holder's death. If you already had an FHSA when the holder died, your maximum participation period is considered to have started on the date you opened your first FHSA.

Example:

Amir opened an FHSA on March 6, 2026, and designated his spouse, Layla, as the successor holder. Amir died on August 13, 2026.

In 2026, Layla turned 50. At the time of Amir's death, she was a qualifying individual and decided to keep his FHSA. She did not have her own FHSA at the time and, therefore, the start of her maximum participation period was on August 13, 2026. This means that she can keep the FHSA open until the earliest of:

- December 31, 2041: the end of the year marking the 15th anniversary of the start of the maximum participation period
- December 31, 2047: the end of the year Layla turns 71
- December 31 of the year following the year Layla makes her first qualifying withdrawal to purchase a home

Survivor who is a successor holder but not a qualifying individual⁸

If you are a survivor who is a successor holder but not a qualifying individual at the time of the FHSA holder's death, you cannot become the new holder of their FHSA. You must, by the end of the exempt period, either directly transfer the FHSA balance to your own FHSA, RRSP or RRIF – the transfer would not be included in your income and cannot be claimed as a deduction in computing your income – or withdraw all the funds from the FHSA. The withdrawal would be taxable to you.

If no direct transfer or withdrawal is made during the exempt period, the account will cease to be an FHSA at the end of the exempt period and the fair market value of its property at that time will be included in your income.

Survivor who is an estate beneficiary but not a successor holder⁹

If you are a survivor and an estate beneficiary but are not named as a successor holder, you cannot take over the deceased's account. However, during the exempt period, you and the deceased's legal representative may jointly designate how to treat proceeds paid directly to the estate.

Under the designation, if the estate transfers the proceeds directly to your FHSA, RRSP or RRIF, the amount can be treated as a transfer from the FHSA rather than a distribution by the estate. The amount transferred would not be included in your income for tax purposes at the time of the transfer, but could not be claimed as a deduction either.

After the exempt period ends, you must include in your income the value of any FHSA assets you are entitled to receive from the estate.

This version breaks the technical explanation into three steps: what you cannot do, what options may be available and what happens if funds remain.

⁸ Subsection 146.6(13) of the Act.

⁹ Subsection 146.6(15) of the Act.

You can also make another type of joint designation with the deceased's legal representative in respect of FHSA proceeds that are paid directly to the estate. If the estate pays the FHSA proceeds directly to you, this designation deems the payment to be a distribution to the survivor as beneficiary, which would then be taxed in your hands rather than in the estate.

If there are any assets left in the FHSA after the end of the exempt period, you must include in your income the fair market value of the assets you are entitled to as a beneficiary under the estate.

What happens when no beneficiary is named?

If there are no designated beneficiaries in the FHSA contract or in the deceased holder's will, the amounts from the FHSA are distributed to the deceased holder's estate and treated as income of the estate.

However, if you, as survivor, have a beneficial interest in the estate, you can make one of the two joint designations described above.

The FHSA property must be distributed to the estate before the end of the exempt period to make a joint designation.

If someone other than the survivor is a beneficiary of the FHSA

If the beneficiary is not the surviving spouse or common law partner of the deceased, the balance in the account has to be withdrawn. Amounts distributed from an FHSA after the holder's death to either their estate or another FHSA beneficiary are taxable to the recipient in the year even if the amounts are distributed during the exempt period.¹⁰

When the arrangement ceases to be an FHSA at the end of the exempt period, there is a deemed taxable distribution to the holder's beneficiaries in proportion to their respective entitlement of the fair market value of any of the FHSA's remaining property.¹¹

In response to a question posed at the 2024 Conference for Advanced Life Underwriting (CALU) Roundtable (CRA document 2024-1005791C6), the CRA provided its views on who would be subject to an income inclusion in respect of amounts distributed from an FHSA at the end of the exempt period following the holder's death under three different scenarios.

An FHSA holder, Individual A, died on September 1 of Year 1 with no surviving spouse or common law partner. As of December 31 of Year 2, the end of the exempt period, no distributions had been made from the FHSA, which held property with a fair market value of \$30,000 at that time.

Scenario 1: Individual A designated their three siblings as equal beneficiaries under the FHSA.

Scenario 2: Individual A designated their estate as beneficiary under the FHSA.

Scenario 3: Individual A designated no beneficiary under the FHSA, and the FHSA proceeds were therefore payable to Individual A's estate. Their three siblings were the residual beneficiaries under the will.

It is assumed that all designations are made in accordance with provincial law.

The CRA noted that in the first two scenarios, the designated beneficiary would be the beneficiary under the FHSA. In the third scenario, where no beneficiary had been designated, presumably the estate would be the beneficiary and, therefore, in each scenario, the deemed distribution would result in the following income inclusions:

Scenario 1: \$10,000 to each sibling in Year 2.

Scenario 2: \$30,000 to the estate in Year 2.

Scenario 3: \$30,000 to the estate in Year 2.

¹⁰ Subsection 146.6(14) of the Act.

¹¹ Paragraph 146.6(17)(c) of the Act.

The CRA also noted that, in each of these scenarios, there would be no income inclusion to Individual A at the end of the exempt period.

Planning ahead

If an FHSA holder is survived by a spouse or common law partner, specific provisions of the Act may permit a tax-deferred transfer of FHSA property or, if the survivor is designated as a successor and is a qualifying individual, the continuation of the deceased's FHSA.

If the property remains in the FHSA or is transferred to another FHSA, the savings may be used later, as long as it's within the maximum participation period, to purchase a qualifying home on a tax-exempt basis.

On the other hand, if the property is transferred to an RRSP or RRIF, the savings may continue to grow on a tax-deferred basis until eventually withdrawn. Timely planning can preserve these tax-efficient options, while waiting until after the end of the exempt period may mean the survivor pays tax sooner on the FHSA assets.

If you have an FHSA, you should regularly review your designations and estate plans. If you're a survivor or a legal representative, consider any available transfer and joint-designation options promptly after the FHSA holder's death.

Tax Court of Canada decision: what documents do you need to claim a foreign tax credit?

Stern v The King, 2026 TCC 131

Caitlin Morin, Toronto, and Jeanne Posey, Vancouver

How much documentation is enough to support a foreign tax credit claim? In *Stern v The King*, the Tax Court of Canada found that foreign tax information slips the individual provided were sufficient evidence to support the foreign tax credits she claimed.

Let's find out how the case provides helpful insight into the documentation that may be required to support certain foreign tax credit claims.

How the dispute began

The taxpayer, a Canadian resident, held investment accounts in the United States and Switzerland and earned dividend income on shares of German and Swiss companies held in those accounts. When filing her Canadian tax returns for her 2021 to 2024 taxation years, the taxpayer claimed foreign tax credits for withholding taxes she paid to the German and Swiss governments on that dividend income.

The Minister denied the taxpayer's foreign tax credits on the assumption that no foreign tax had been paid. The taxpayer appealed the reassessments.

The relevant rules at a glance

Generally, subsection 126(1) of the *Income Tax Act* allows Canadian residents to claim a foreign tax credit for foreign non-business income tax paid to a foreign government for a taxation year. Simply put, the credit reduces Canadian tax otherwise payable, helping prevent the same foreign income from being taxed twice.

Where the parties disagreed

The taxpayer argued that she had paid withholding tax to the German and Swiss governments on her dividend income. To support her claims, she provided foreign tax information slips and other documents that showed tax had been withheld from dividend income from shares of German and Swiss companies in her investment accounts. The taxpayer's husband, who managed the couple's investments, testified about the accounts and the taxes withheld.

The Crown argued that the evidence showing that tax had been withheld was not sufficient. Turning the tables, the Crown argued that the taxpayer also had to establish that she was ultimately liable for tax in Germany and Switzerland. According to the Crown, the only acceptable evidence was tax assessments issued by those countries.¹² In other words, the taxpayer had to prove that foreign credits or deductions did not reduce or eliminate her ultimate tax liability.

The taxpayer did not have tax assessments from Germany or Switzerland because she earned too little income from those countries to justify the expense of preparing foreign tax returns.

How the Court reached its decision

The Court rejected the Crown's position, noting that it was inconsistent with the CRA's own published guidance. Specifically, paragraph 1.45 of Income Tax Folio S5-F2-C1, Foreign Tax Credit, states:

If a taxpayer's foreign tax liability is settled by an amount withheld by the payer of the related income (that is, in a way which is analogous to tax under Part XIII of the Act), a copy of the foreign tax information slip is usually satisfactory. In most other cases, a copy of the tax return filed with the foreign government is required together with copies of receipts or documents establishing payment.

The Court observed that the Crown did not explain why the Minister did not consider the taxpayer's foreign tax information slips to be satisfactory and had not challenged the authenticity or accuracy of those documents.

The Crown relied on two earlier Tax Court decisions to argue that evidence of tax withheld is not, on its own, sufficient to establish that foreign tax was paid.¹³ In both cases, tax was initially withheld, but the taxpayers ultimately had no foreign tax liability after claiming available credits on their foreign tax returns. The Court distinguished those decisions, noting that they establish only that a foreign tax credit is unavailable if no foreign tax is ultimately paid, and do not support the proposition that a taxpayer must provide a foreign tax assessment to substantiate a foreign tax credit claim.

Based on the evidence, the Court was satisfied that the taxpayer had paid withholding tax to Germany and Switzerland.

The Court allowed the taxpayer's appeal in part. It allowed the appeal for the 2022 to 2024 taxation years and ordered the Minister to recalculate her foreign tax credits to account for the withholding taxes and dividend income that the Court found she had paid and earned, respectively.

However, it denied the appeal of the 2021 taxation year because the taxpayer had not filed a valid notice of objection to allow her to appeal that year's assessment.

The bottom line

This decision is a useful reminder that taxpayers may not need a foreign tax assessment to support a foreign tax credit claim. When tax is withheld at source, foreign tax information slips may be enough.

Because this case was decided under the informal procedure, it is not binding on the CRA or on courts in future cases. Still, it offers helpful guidance on a common documentation issue and may influence similar disputes.

Taxpayers should carefully assess their filing positions and CRA assessments in light of current guidance, keeping in mind that different interpretations – or errors – can arise.

¹² Generally speaking, a tax information slip is a document issued by a payer that reports amounts paid or allocated to a taxpayer, whereas a tax assessment is a tax authority's determination of the taxpayer's tax liability after reviewing the taxpayer's return and related information, including any tax slips received.

¹³ *Arsove v The Queen*, 2016 TCC 283, and *Zhang v The Queen*, 2007 TCC 634.

Publications and articles

Tax Alerts - Canada

Tax Alert 2026 No. 37 - [Canada extends steel tariff measures for an additional year](#)

Tax Alert 2026 No. 38 - [CBSA issues its July 2026 trade compliance verification list update](#)

Tax Alert 2026 No. 39 - [Draft legislative proposals released for Budget 2025 and other previously announced measures](#)

Tax Alert 2026 No. 40 - [Canada launches public consultations on steel imports and imposes surtax on wood cabinets and vanities](#)

Tax Alert 2026 No. 41 - [Draft legislative proposals released to amend the second package of hybrid mismatch rules](#)

Tax Alert 2026 No. 42 - [Distributed investment plans required to request certain investor information by 15 October 2026](#)

Tax Alert 2026 No. 43 - [Canada announces counter-tariffs in response to new US tariffs](#)

Tax Alert 2026 No. 44 - [Suspension of federal excise tax on fuel extended](#)

Tax Alert 2026 No. 45 - [British Columbia's expanded PST rules now deferred \[Updated\]](#)

Tax Alert 2026 No. 46 - [Canada introduces legislation to implement counter-tariffs](#)

Tax Alert 2026 No. 47 - [Finance Canada announces new productivity mega deduction for capital investments](#)

Additional resources

[Digital services tax jurisdiction activity summary](#)

An updated version of EY's DST jurisdiction activity summary is now available. The summary outlines the status, scope, rate, thresholds, exclusions and effective dates for 32 jurisdictions. It also includes links to relevant EY Global Tax Alerts and EY contact details.

EY's activity summary provides the latest information correct as of February 1, 2025.

EY Sustainability Taxes and Incentives Radar

The [EY Sustainability Taxes and Incentives Radar](#) can help you discover, scan and act on sustainability tax policies worldwide with information on carbon regimes, environmental taxes, sustainability incentives and tax reliefs and exemptions.

[EY's Worldwide Personal Tax and Immigration Guide 2025-26](#)

Governments worldwide continue to reform their tax codes at a historically rapid rate. Taxpayers need a current guide, such as the Worldwide Personal Tax and Immigration Guide, in such a shifting tax landscape, especially if they are contemplating new markets. The content is straightforward. Chapter by chapter, from Albania to Zimbabwe, we summarize personal tax systems and immigration rules in more than 140 jurisdictions. The content is current as of October 1, 2025, with exceptions noted.

[EY's Worldwide Capital and Fixed Assets Guide 2025](#)

Capital expenditures represent one of the largest items on a company's balance sheet. This guide helps you reference key tax factors needed to better understand the complex rules relating to tax relief on capital expenditures in 41 jurisdictions and territories.

[EY's Worldwide Estate and Inheritance Tax Guide 2025](#)

This guide summarizes the gift, estate and inheritance tax systems and describes wealth transfer planning considerations in 44 jurisdictions and territories.

[Worldwide Corporate Tax Guide 2025](#)

Governments worldwide continue to reform their tax codes at a historically rapid rate. Chapter by chapter, from Albania to Zimbabwe, this EY guide summarizes corporate tax systems in more than 150 jurisdictions.

[Worldwide VAT, GST and Sales Tax Guide 2026](#)

This guide summarizes the value-added tax (VAT), goods and services tax (GST) and sales tax systems in 153 jurisdictions, including the European Union.

[Worldwide R&D Incentives Reference Guide 2025](#)

The Worldwide R&D Incentives Reference Guide offers taxpayers the information necessary to identify and leverage opportunities to benefit from available incentives, especially relevant if they are contemplating new or expanded investments in R&D, innovation and sustainability.

[Worldwide Transfer Pricing Reference Guide 2025](#)

This publication is designed to help international tax executives identify transfer pricing rules, practices and approaches.

The information included in the guide covers 121 jurisdictions. It's meant to provide an overview for the covered jurisdictions regarding their transfer pricing tax laws, regulations and rulings; OECD Guidelines treatment; documentation requirements; transfer pricing returns and related-party disclosures; transfer pricing documentation and disclosure timelines; BEPS Action 13 requirements; transfer pricing methods; benchmarking requirements; transfer pricing penalties and relief from penalties; statutes of limitations on transfer pricing assessments; likelihood of transfer pricing scrutiny and related audits by the tax authorities; and opportunities for advance pricing agreements (APAs).

The content for the guide is updated as of April 30, 2025.

[EY Center for Board Matters](#)

The EY Center for Board Matters supports board members in their oversight role by helping them address complex boardroom issues.

[EY TradeFlash](#)

Welcome to EY's latest edition of *TradeFlash*, a companion to EY *TradeWatch*. This publication provides a roundup of the latest developments in global trade around the world.

[EY TradeWatch Issue 1, 2026](#)

EY *TradeWatch* provides information about customs and international trade developments to help you develop strategies to manage duty costs and the risks of global trade, to improve trade compliance and to increase the operational effectiveness of international supply chains.

Websites

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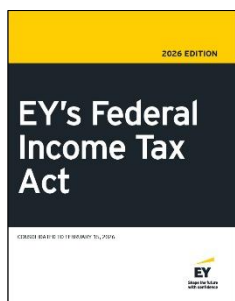
[Focus on family enterprise](#)

Family enterprise owners face unique challenges as they balance their ambition to grow with the effort to build the family legacy. Our experience, authority and global leadership platforms such as EY NextGen support families as they grow from generation to generation.

[Online tax calculators and rates](#)

Frequently referred to by financial planning columnists, our mobile-friendly calculators on ey.com/ca let you compare the combined federal and provincial 2025 and 2026 personal tax bills in each province and territory. The site also includes an RRSP savings calculator and personal tax rates and credits for all income levels. Our corporate tax-planning tools include federal and provincial tax rates for small business rate income, manufacturing and processing rate income, general rate income and investment income.

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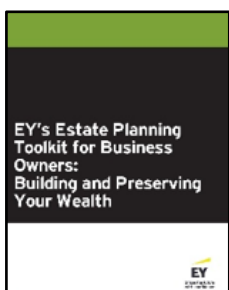


[EY's Federal Income Tax Act, 2026 Edition](#)

Editors: Albert Anelli, Janette Pantry, Linda Tang and Jennifer Ward

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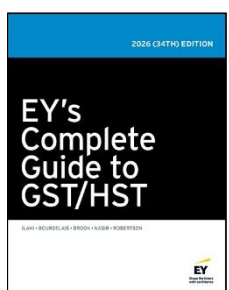
Included with this edition: interactive online features and purpose notes for selected provisions. Purchase of a print book includes access to an online updated and searchable copy of the federal *Income Tax Act* as well as the PDF eBook. Consolidated to February 15, 2026, this edition contains amendments and proposals, including Bill C-4 (2025), *Making Life More Affordable for Canadians Act*, August 15, 2025 legislative proposals [technical amendments], August 15, 2025 legislative proposals [FES 2024 and other proposals], November 4, 2025 notice of ways and means motion [Budget 2025], Bill C-15 (2025), *Budget 2025 Implementation Act, No. 1*, January 29, 2026 legislative proposals and Bill C-19 (SC 2026, c. 1), *Canada Groceries and Essentials Benefit Act*.



[EY's Estate Planning Toolkit for Business Owners: Building and Preserving Your Wealth](#)

Now available

Protect your business, your family, and your legacy with practical estate planning guidance designed specifically for business owners. While estate planning decisions should be made in consultation with qualified legal, tax, and other professional advisors, business owners who understand the planning process are better equipped to identify issues, evaluate options, and participate in those discussions. Written in clear, accessible language, this toolkit provides an overview of the key estate planning considerations facing business owners and offers practical guidance to help them develop, implement, and maintain an effective estate plan.



[EY's Complete Guide to GST/HST, 2026 \(34th\) Edition](#)

Editors: Jadys Bourdelais, Thomas Brook, Sania Ilahi, Tariq Nasir and David Douglas Robertson

Available October 2026

Canada's leading guide on GST/HST, including GST/HST commentary and legislation, as well as a GST-QST comparison. Written in plain language by a team of EY indirect tax professionals, the guide is consolidated to July 1, 2026 and updated to reflect the latest changes to legislation and CRA policy.

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