Economic Outlook & Owning U.S. Property: Cross-Border Tax & Legal Considerations

Alain Forget & Carrie Freestone October 12, 2022

Today's Facilitator



ALAIN FORGET Head of Business Development

Alain has been working for RBC for over 40 years, holding various business and sales leadership roles in Canada, the Caribbean and the U.S. He is passionate about helping Canadians purchase U.S. homes and works closely with consumers, real estate professionals and other strategic partners to provide education and opportunity to Canadian buyers in the U.S. Alain acts as spokesperson for the media and at real estate conferences as a subject matter expert. He is also a licensed real estate agent in Florida and holds a degree in Finance & Management.



Questions



- Please use the CHAT bar to submit your questions in writing during the live presentation.
- To register a question over the phone following the formal portion of our presentation:
 - Enter 1 followed by 4 on your phone.
 - If your question has already been asked, you can unregister your question by dialing 1 followed by 3.

Note, this webinar is being recorded, and the presentation will be made available on our virtual advice event landing page.



We're Here for You



We've donated \$150,000 USD to the American Red Cross to provide for the immediate basic needs of people displaced and impacted by the hurricane.

We've also launched a financial relief program to assist RBC Bank cross-border clients who were affected and need support. For more information, visit rbcbank.com or call 1-800-ROYAL-53



Today's Speaker



CARRIE FREESTONE *Economist, RBC Economic Research*

Carrie Freestone is an economist at RBC. She is a member of the macroeconomic analysis group and is responsible for monitoring key indicators including consumer spending, labour markets, GDP, and inflation. Carrie produces economic analysis that she delivers to clients and the public through publications and presentations. She holds a Bachelor of Arts in Economics from Queen's University and a Master of Arts in Economics from the University of Ottawa.





Canadian Economic Update

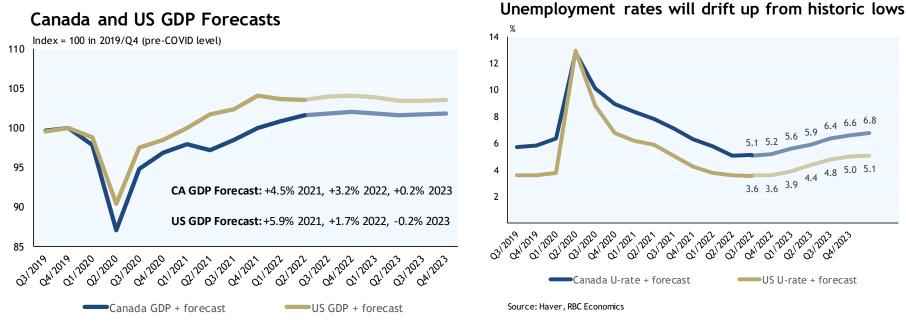
October 2022

Carrie Freestone Economist

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Canada/US GDP growth to slow from unsustainable pace



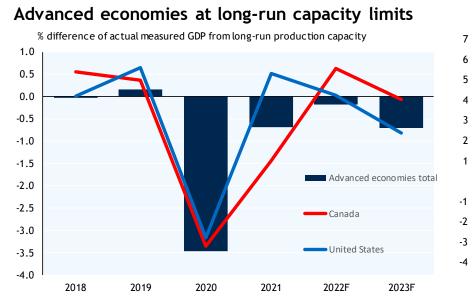
Source: Haver, RBC Economics

RBC

Economics



RBC Economics Global GDP growth slowing; advanced economies bumping up against capacity limits



Year-over-year percent change 7 6.0 6 5 3.8 3.6 3.4 3.3 3.2 2.8 2.7 3 2 1 Emerging market contribution Advanced economy contribution

2019

-3.0

2020

2021

Global GDP growth slows from pandemic highs

Source: International Monetary Fund, RBC Economics

Source: International Monetary Fund, RBC Economics

2017

2018

World GDP growth

2016

2015

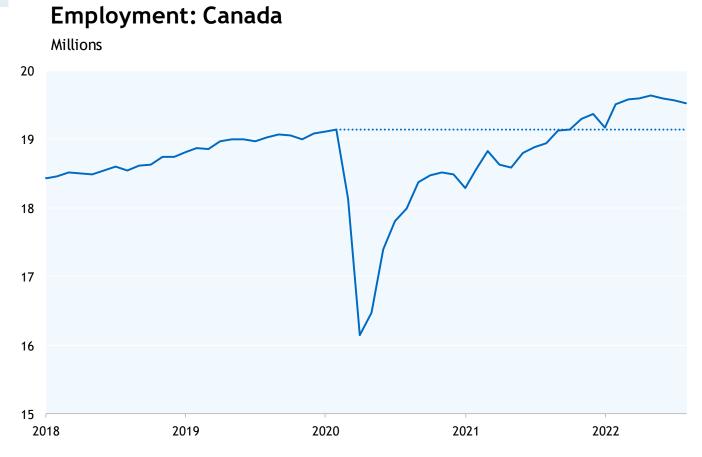


2023F

2022F

Economics No more economic slack

RBC



Source: Statistics Canada, RBC Economics

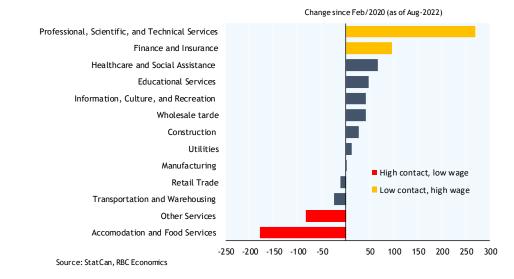


Labour markets still in drum-tight conditions

RBC

Economics

Workers have shifted to higher-wage, lower-contact, jobs





U.S. labour markets getting tighter

Nearly 2 job openings for every unemployed person in the U.S.



Job openings per unemployed worker, seasonally adjusted

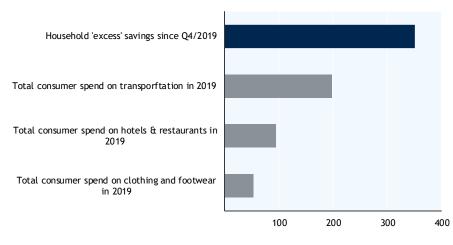
Source: Bureau of Labor Statistics

RBC

Economics



RBC Economics Pandemic cash savings supports household purchases



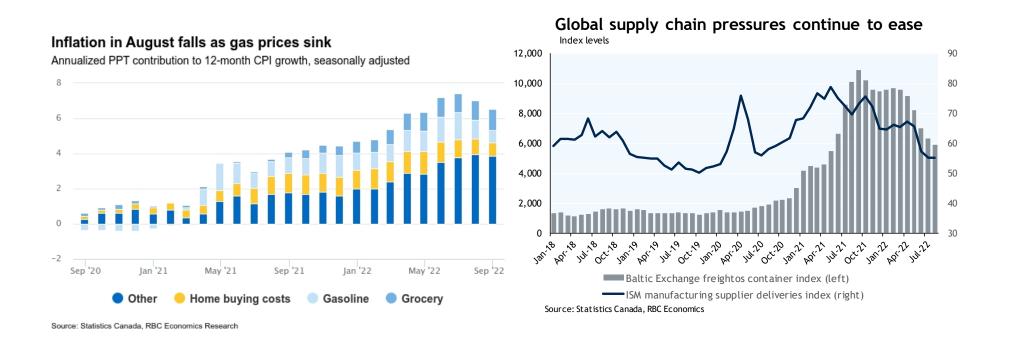
Canada Household Savings Stockpile in Context C\$, Billions

Source: Statistics Canada, RBC Economics



RBC Economics

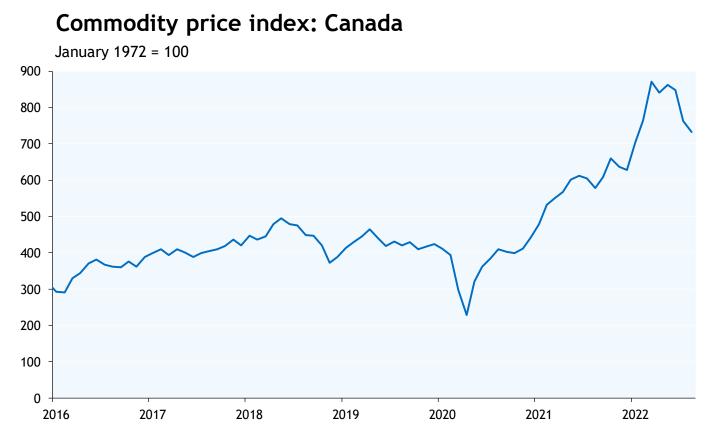
(Headline) inflation rates appear to have peaked...



https://thoughtleadership.rbc.com/rbc-inflation-watch/ https://thoughtleadership.rbc.com/rbc-us-inflationwatch/



Economics Peak commodity prices are behind us



Source: Bank of Canada, RBC Economics

RBC

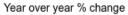
https://thoughtleadership.rbc.com/rbc-inflation-watch/ https://thoughtleadership.rbc.com/rbc-us-inflationwatch/

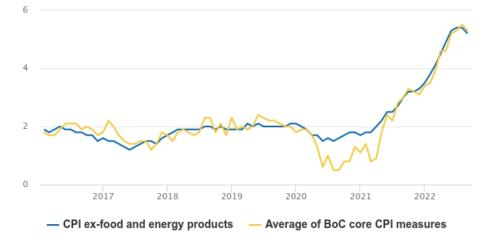


RBC Economics

...but price pressures way too broad to prevent further interest rate hikes

Core inflation ticked lower but still high





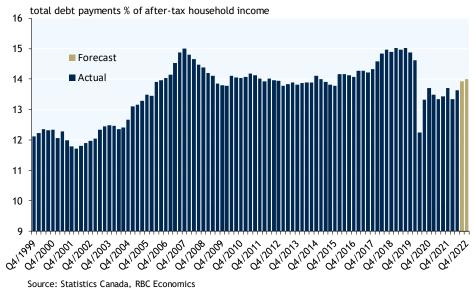
Source: StatCan, RBC Economics



Inflation, central banks rate hikes to squeeze household real purchasing power

RBC

Economics

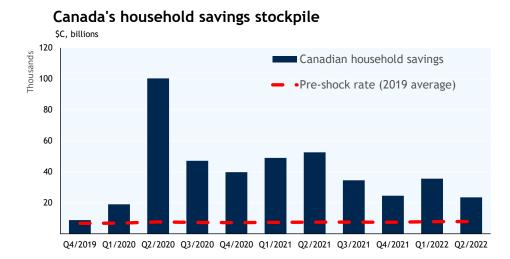


Canada Household Debt Service Ratio



RBC Economics

Household net worth declining alongside home prices

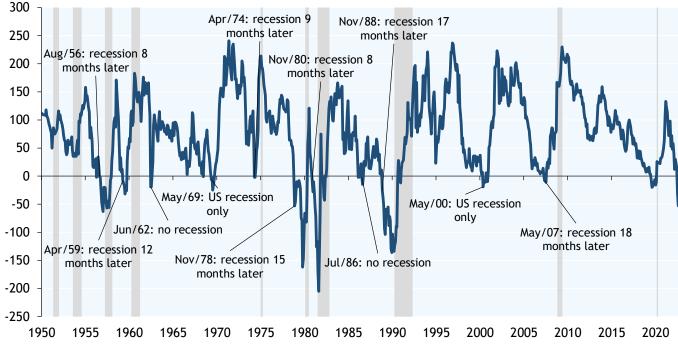


Source: Statistics Canada, Bureau of Economics Analysis, RBC Economics



Bond markets pricing in a softer economy

Canadian yield curve and recessions



Spread between 10-year and 2-year* yield, basis points

RBC

Economics

*10-year & over vs. 1 to 3-year yield pre-Jun/82 Source: Bank of Canada, CD Howe Institute, RBC Economics



Canadian consumer confidence falls

2014 = 100 140 - Monthly value ······ Long-run average 120 100 80 60 40 20 0 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022

Source: Conference Board of Canada, RBC Economics

Consumer confidence: Canada

RBC

Economics

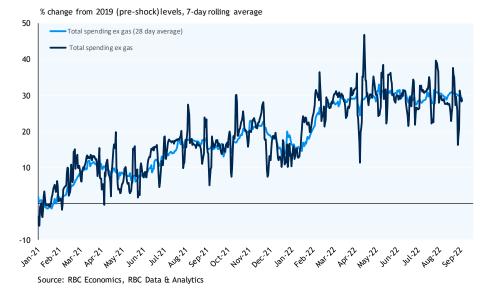


Wages are not keeping up with inflation; consumer spending plateaus

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Cardholder spending plateaued into September

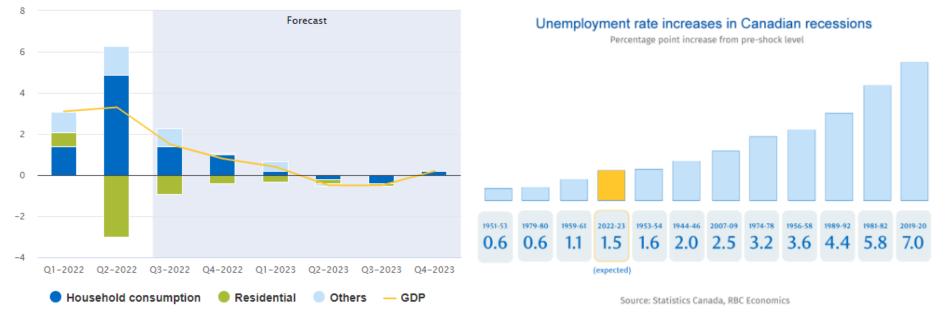


RBC

RBC Economics Slowing consumer demand to tip the economy into a mild recession in 2023

Housing and spending slowdown to drive lower growth

% contribution to quarter over quarter annualized GDP growth



Source: StatCan, RBC Projections

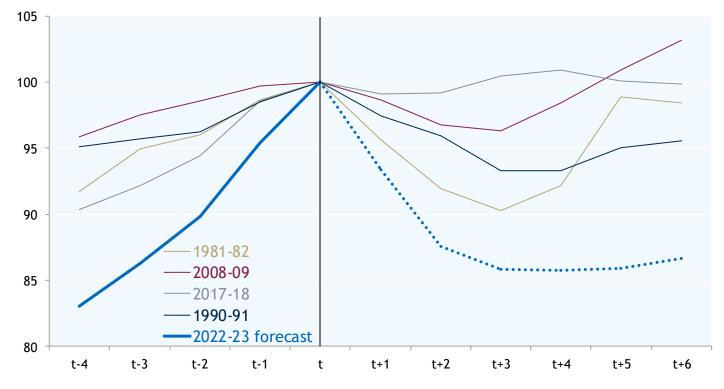


Economics Material housing market correction unfolding

Home price downturns: Canada

RBC

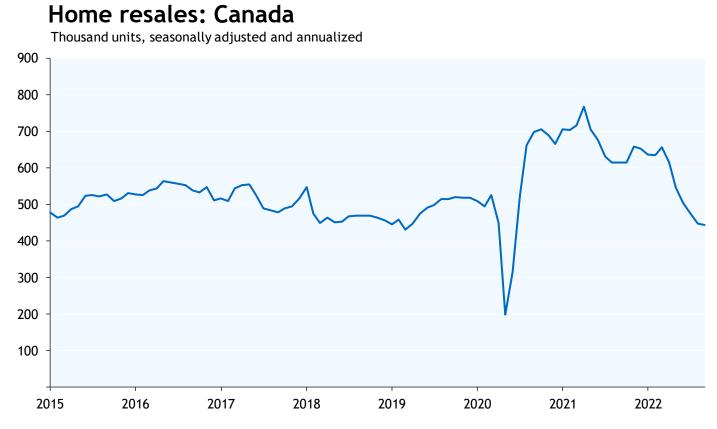
RPS/Royal LePage aggregate Home Price Index for Canada, cyclical peak = 100, quarterly







Economics March was the turning point for the market



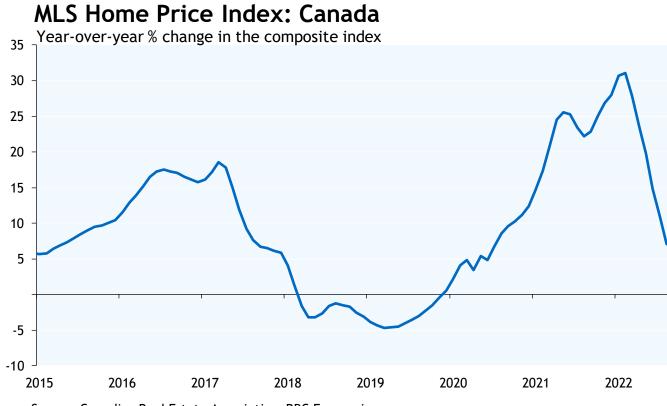
Source: Canadian Real Estate Association, RBC Economics

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Economics Prices now reversing earlier gains

RBC

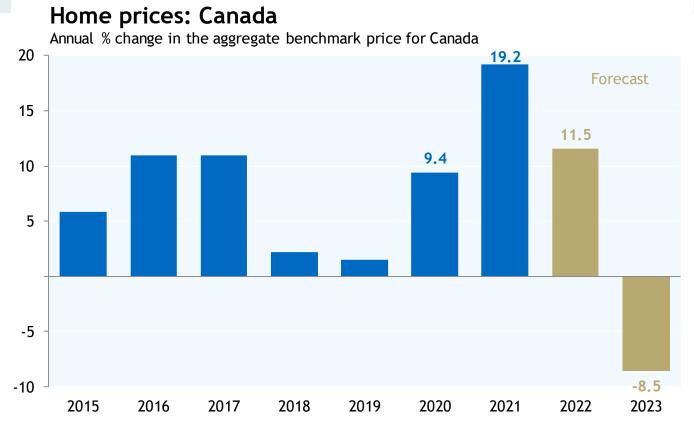


Source: Canadian Real Estate Association, RBC Economics



Economics Price weakness to spread

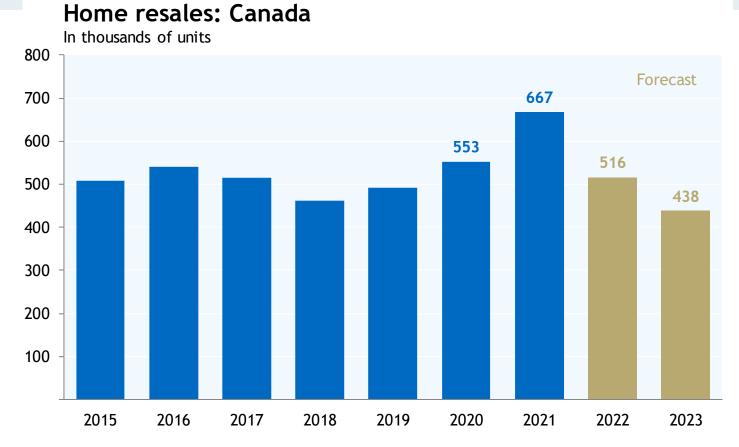
RBC



Source: RPS, RBC Economics



Correction expected to extend into 2023



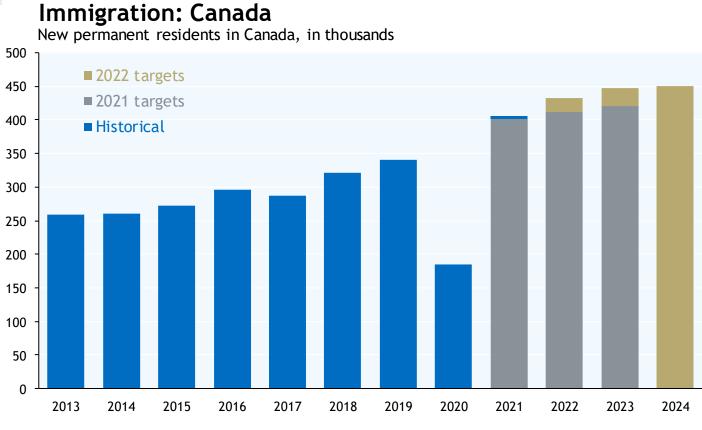
Source: Canadian Real Estate Association, RBC Economics

RBC

Economics



Still, housing is unlikely to collapse



Source: Statistics Canada, IRCC, RBC Economics

RBC

Economics

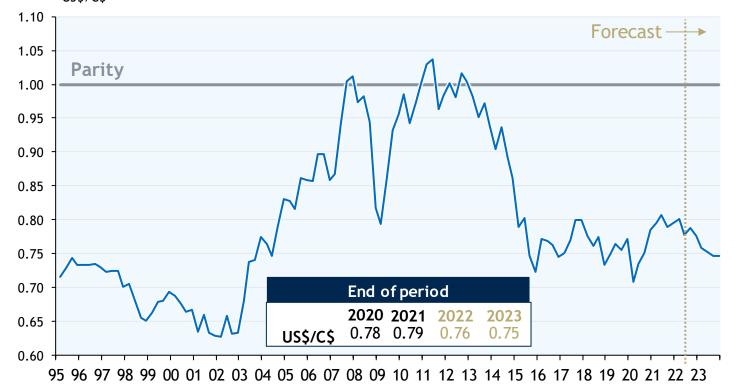


USD strengthening against the CAD

USD strengthening

RBC

Economics



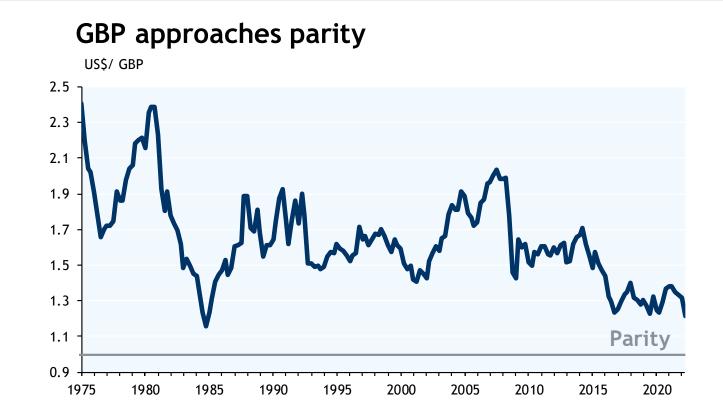
Source: Bank of Canada, RBC Economics



Sterling approaches parity

RBC

Economics



Source: Federal Reserve Board, RBC Economics



For more information please visit: Economics rbc.com/economics and thoughtleadership.rbc.com

RBC

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Ask the Expert Everything You Need to Know about Buying U.S. Property



Alain Forget

According to the National Association of Realtors International Study from July 2022 Canadians



* All monetary amounts listed are calculated in USD currency.

- Pre-pandemic: Canadians were the second largest group of foreign buyers in the U.S. last year
- Invested \$9.5B* between April 2019 and March 2020, including \$4.75B in Florida
- Represent 18,300 residential purchase transactions for an average price of \$517K

From April 1st 2021 to March 31st 2022, we saw \$5.5B spent in 11,300 purchase transactions in the U.S. as # 1 International Buyers with an average price of \$485K.

Top states: Florida (45%), Arizona (23%), California (12%)

- NAR International Study, July 2022



According to the National Association of Realtors International Study from July 2022 Canadians

- Canadians own over \$65B* in real estate assets just in Florida
- 80% of all Canadian transactions made in Florida (45%), Arizona (23%) and CA (12%)

RBC Bank is dedicated to helping Canadians access U.S. financing for south of the border real estate purchases and investments.



* All monetary amounts listed are calculated in USD currency.



REASONS TO BUY

Affordability, Rental Income, and Lifestyle



October 12, 2022

Earn Rental Income on U.S. Property



- Paid in U.S. dollars
- No need to exchange funds
- Income can cover mortgage payments, taxes, insurance and fees



REASONS TO BUY

Financing Reduces FX Impact



October 12, 2022

Why Canadians Should Finance Their U.S. Dream Home

CASH VS. FINANCING FOR A \$500,000* U.S. HOME (Example Savings [‡])		
Cash	Financing	
\$500,000 USD (Costs Using 2.5% on \$500k)	\$112,500 USD (20% Down Payment + Closing Costs**)	
Cash Needed at Closing x 32% CAD to USD Foreign Exchange Rate		
\$660,000 CAD (\$160,000 CAD to USD)	\$148,500 CAD (\$36,000 CAD to USD)	
\$124,000 <i>CAD</i> (One-time, Upfront Difference in Exchange Costs)		

* All monetary amounts listed are calculated in USD currency.

‡ Illustrative example for information purposes only, assuming US\$1/C\$0.76. Foreign exchange rates are subject to change at a moment's notice.

** 20% down payment of \$80,000 + approximately \$10,000 in closing costs.



REASONS TO BUY

RBC U.S. HomePlus[™] Advantage



October 12, 2022

Benefits of an RBC Bank Mortgage¹

- We use your Canadian credit history
- We provide financing in all 50 states
- We never charge a foreign national premium
- We never charge a prepayment penalty
- We'll help you close your mortgage in the U.S. or Canada





Mortgages² from RBC Bank

Key Characteristics	Primary or Secondary Home	Investment Property
Pre-approval	Yes	Yes
Down Payment Required	20%	25% ог 40%
Property Types	Single family, condo, townhome	Single family, condo, townhome
Loan Terms	3, 5, 7, 10-year mortgage term	3, 5, 7, 10-year mortgage term
Renewals	Lock in for 3, 5, 7, or 10 years – at no cost	Lock in for 3, 5, 7, or 10 years – at no cost
Monthly Payment	Based on a 30-year term	Based on a 30-year term
Refinance	Yes	Yes
Foreign National Premium	None	None



REASONS TO BUY

Affordability – Mortgage Sale⁴



October 12, 2022

RBC Bank Mortgage¹ Sale



- It's the right time to buy with great rates and now for a limited time a \$0 underwriting fee⁴.
- Submit your application by January 1, 2023 and save!



WHAT TO EXPECT

Mortgage Process and Timeline



Finance Your U.S. Property in 3 Easy Steps with RBC Bank

Step 1: Mortgage Application	Step 2: Conditional Approval	Step 3: Closing	
 Get started with your online mortgage application Your Cross-Border Mortgage Advisor will help you lock your rate for 60 days You'll begin gathering and providing documentation 	 Your application is submitted for review You'll receive a conditional approval letter – valid for 60 to 120 days 	 Finalize documentation Your closing may take place in the U.S. or Canada depending on the location of your U.S. home May be able to send a Power of Attorney 	
Mortgage loan processing in the U.S. – from applying through closing – typically takes 40-45 days			



LET'S GET STARTED!

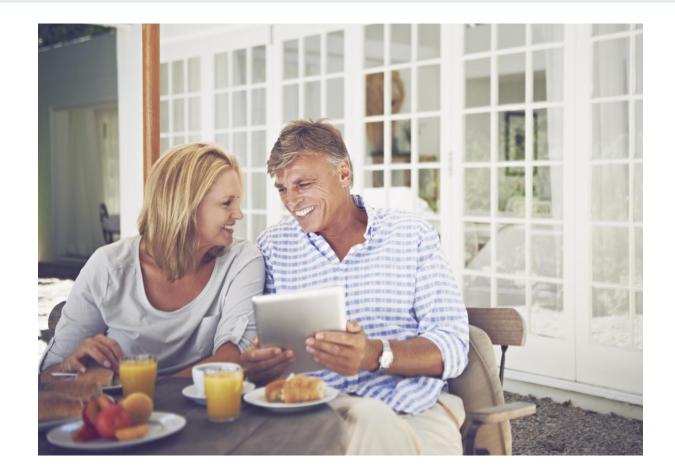
Invest in U.S. Real Estate



October 12, 2022

Additional Resources and Getting Pre-Approved!

- Takes only a few minutes to fill out the online application at **rbcbank.com/preapproval**
- We'll let you know how much you qualify for – usually within a business day
- Call **1-866-283-5928** if you want to speak with a dedicated cross-border mortgage advisor
- Visit rbcbank.com/hpa
 - E-Guide at **rbcbank.com/homebuying**
- RBC Bank Home Advisors









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1. Mortgages are subject to approval, including verification of acceptable income, credit worthiness and property valuations. Minimum and maximum property values and maximum loan-to-value ratios apply. Homeowner's insurance is required for all loans and lines of credit and flood insurance is required if the property is located in a Special Flood Hazard area. Escrows may be required on mortgages. There are closing costs associated with mortgage products.

2. 3, 5, 7, or 10-year term refers to the period of time the interest rate is set at the beginning of the loan period which is 30 years (360 months); after the initial fixed rate term, the interest rate will adjust every six (6) months. Example: 3-Year Adjustable Rate Mortgage (ARM) calculation assumes a \$250,000 loan amount, 4.000% interest rate, 4.764% APR, with 20% down payment, amortized over 360 months = \$1,193.54 monthly payment. Example: 5-Year ARM calculation assumes a \$250,000 loan amount, 4.125% interest rate, 4.679% APR, with 20% down payment, amortized over 360 months = \$1,218.21 monthly payment. Example: 5-Year ARM calculation assumes a \$250,000 loan amount, 4.125% interest rate, 4.679% APR, with 20% down payment, amortized over 360 months = \$1,248.21 monthly payment. Example: 10-Year ARM calculation assumes a \$250,000 loan amount, amortized over 360 months = \$1,248.21 monthly payment. Example: 10-Year ARM calculation assumes a \$250,000 loan amount, amortized over 360 months = \$1,248.21 monthly payment. Example: 10-Year ARM calculation assumes a \$250,000 loan amount, amortized over 360 months = \$1,248.21 monthly payment. Example: 10-Year ARM calculation assumes a \$250,000 loan amount, 4.500% interest rate, 4.455% APR, with 20% down payment, amortized over 360 months = \$1,248.21 monthly payment. Example: 10-Year ARM calculation assumes a \$250,000 loan amount, 4.500% interest rate, 4.455% APR, with 20% down payment, amortized over 360 months = \$1,248.21 monthly payment. Example: 10-Year ARM calculation assumes a \$250,000 loan amount, 4.500% interest rate, 4.455% APR, with 20% down payment, amortized over 360 months = \$1,248.21 monthly payment. Example: 10-Year ARM calculation assumes a \$250,000 loan amount, 4.500% interest rate, 4.455% APR, with 20% down payment, amortized over 360 months = \$1,266.71 monthly payment. Rates and payments are subject to increase after initial fixed period of loan. This could increase the monthly payment and the interest rate. Rates subject to increase after consummation

3. This company is not affiliated with RBC Bank and RBC Bank is not responsible for the offer provided by this company.

4. To qualify for the \$0 underwriting fee, a full and complete mortgage application must be submitted by January 1, 2022. Mortgages must fund within 120 days of the application date. Offer may be withdrawn or changed at any time without notice. Offer is only available to the following clients; new RBC Bank mortgage/Home Equity Line of Credit (1st or 2nd homes), Investment Properties, and Refinance on a property that is owned free and clear. Additional bank fees and third party fees apply and are paid separately. Mortgage and HELOC offer may be combined: if a client closes on an eligible mortgage and also opens a second lien HELOC with RBC Bank, both products will have a \$0 underwriting fee. That's a savings of \$924 USD (or over \$1,200 CAD). May not be combined with any other special offers.



Disclaimer

This presentation offers general information only and is not intended as legal, financial or other professional advice. A professional advisor should be consulted for your specific situation. While information presented is intended to be factual and current, its accuracy is not guaranteed and it should not be considered a complete analysis of the subjects discussed. All expressions of opinion reflect the judgement of the presenter(s) as of the date of publication and are subject to change. No endorsement of any third parties or their advice, opinions, information, products or services is expressly given or implied by Royal Bank of Canada or its affiliates.





US AND CANADIAN ATTORNEYS & NOTARIES



TAX, ESTATE PLANNING & OWNERSHIP NEEDS IN THE UNITED STATES

October 12, 2022

SPEAKER: SHLOMI STEVE LEVY, B.A., LL.B., J.D., TEP

Attorney/Partner Member of the Quebec Bar, Member of the Law Society of Ontario & Canadian Legal Counsel

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fyin O LEVY SALIS LLP

ABOUT THE SPEAKER

SHLOMI STEVE LEVY B.A., LL.B., J.D., TEP

Partner, Member of the Québec Bar (Barreau du Québec), Member of the Law Society of Ontario & STEP

Shlomi Steve Levy is a Partner of Levy Salis LLP and is a member of the Quebec Bar, the Law Society of Ontario, the Society of Trust and Estate Practitioners, and the Canadian Bar Association. He was the co-founder of one of the leading cross border tax and estate planning law firms in Canada prior to founding Levy Salis LLP. His practice is dedicated to US and Canadian tax and estate planning for individuals and corporations, Canadians doing business in the United States, US real estate transactions for Canadians, Americans living in Canada, domestic and international trusts, international taxation, corporate law, and cryptocurrency transactions.



OFFICES

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TORONTO

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4651 SHERIDAN ST. SUITE 200 HOLLYWOOD, FL, 33021



Tel Aviv, Israel

22 ROTHSCHILD ST. 15TH FLOOR TEL AVIV, ISRAEL

CANADIANS BUYING US REAL ESTATE



CANADIANS BUYING US REAL ESTATE

US REAL ESTATE CONSIDERATIONS

Octo



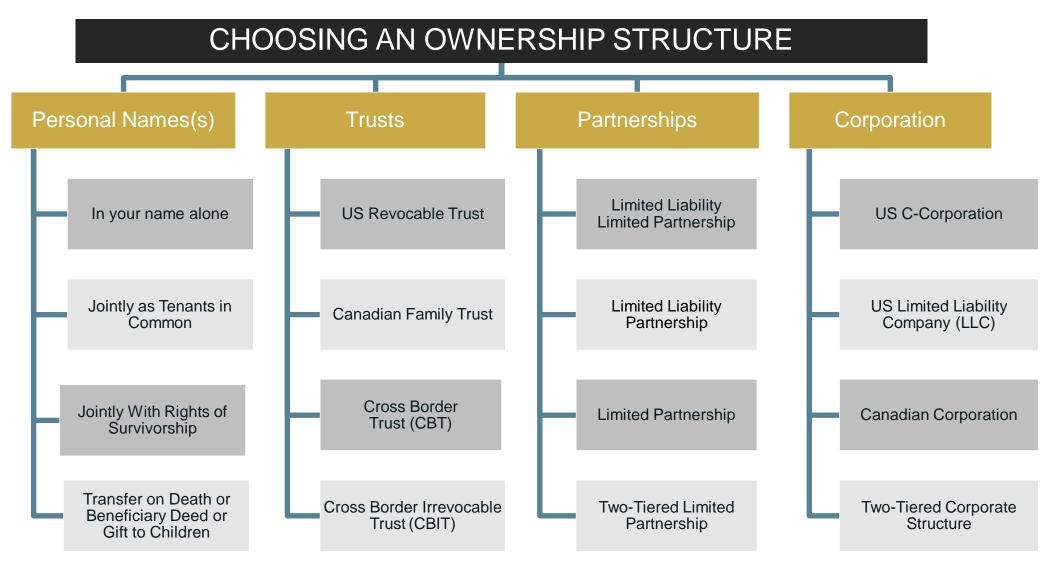
- "As Is" vs. With Legal Warranty
- Properly Identifying the Parties
- Inclusions/Exclusions
- Closing Date & Inspection Clause
- Closing/Settlement Costs
- Exit Clause & Additional Terms

ADJUSTMENTS AND LAND TRANSFER TAX

Fundamental: how to take title



CANADIANS OWNING US REAL ESTATE



PROBATE

Scenario:

We bought a condominium in Florida for \$300,000 and put the title in my husband's name alone. Everything was fine until he passed away.

After that, I couldn't sell the property because the estate was frozen, probate took over a year and cost between \$10,000 and \$15,000!



CANADIAN TAX AND ESTATE PLANNING

BEWARE! WHEN SIGNING US ESTATE PLANNING DOCUMENTS, DO NOT REVOKE YOUR CANADIAN ESTATE PLANNING DOCUMENTS!

WHAT ABOUT ESTATE PLANNING FOR US BENEFICIARY CHILDREN AND GRANDCHILDREN?

INCAPACITY

Scenario:

My parents own a condominium together in Florida but they can't enjoy it anymore since my mom developed dementia.

My dad couldn't sell the property because of my mom's condition and so we had to do a costly and time-consuming Florida guardianship procedure.

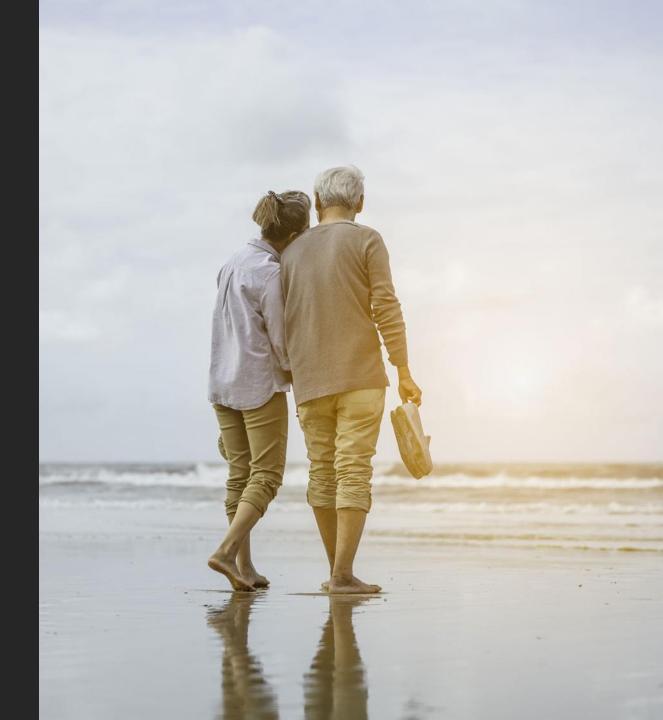


PROTECTION FOR YOUR BENEFICIARIES Scenario:

We are worried about what happens to our kids after we pass away. What if my son/daughter inherits my \$300,000 house in Florida and then his/her business goes bankrupt, can his/her creditors seize the house?

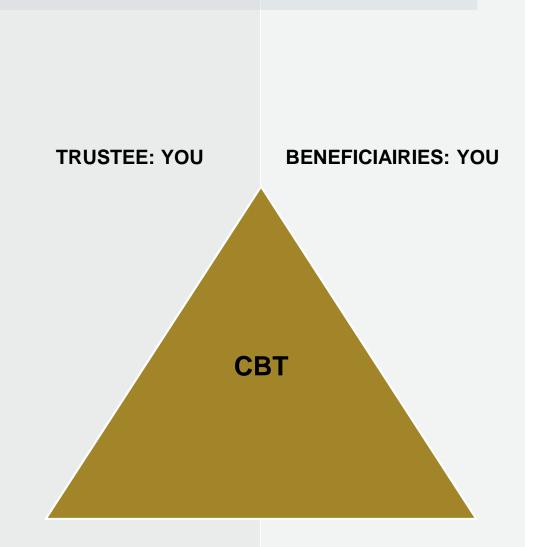
Also, if his wife divorces him, will she get 50% of the property?

What if I want to add my children to the title?



CROSS BORDER TRUST ("CBT")

- Avoids probate & incapacity issues
- Protects inheritance from divorcing spouses/creditors
- Preserves foreign tax credits (on sale/death)
- Reduces and defers US estate tax (QDOT & discounting)



CORPORATIONS

- Avoids probate & incapacity issues
- Avoids US Estate Tax
- Provides creditor protection
- Shareholder benefit rule
- LLC DOUBLE TAXATION PROBLEM



U.S. CORP 100%

CND CORP. 100%



US CAPITAL GAINS TAX SUMMARY BY OWNERSHIP STRUCTURE



October 12, 2022

CANADIANS SELLING US REAL ESTATE

US & CANADIAN TAX COMPLIANCE



NON-RESIDENT SELLING US REAL ESTATE

- Must file a US tax return in the year of sale
- Requires an Individual Tax Identification Number (ITIN)

CANADIANS:

- Must report US sale on Canadian tax returns & pay tax on capital gains
- Possible claim for tax credit paid in the US, unless mismatch
- Tax on currency gains

US CAPITAL GAINS TAX

 Rate depends whether seller is an individual, corporation, or pass-through entity



CANADIANS SELLING US REAL ESTATE

FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT (FIRPTA)



IF EXCEPTION DOES NOT APPLY:

- Application for a FIRPTA withholding certificate
- Possibility to reduce the withholding to 10%

EXCEPTION TO WITHHOLDING

- Property is sold for \$300,000 USD or less; and
- The buyer signs an affidavit

NON-RESIDENT SELLING US PROPERTY: MANDATORY 15% WITHHOLDING ON GROSS SALE PROCEEDS & REMITTED TO IRS WITHIN 20 DAYS OF CLOSING

Buyer is responsible for the withholding







US ESTATE TAX FOR CANADIANS

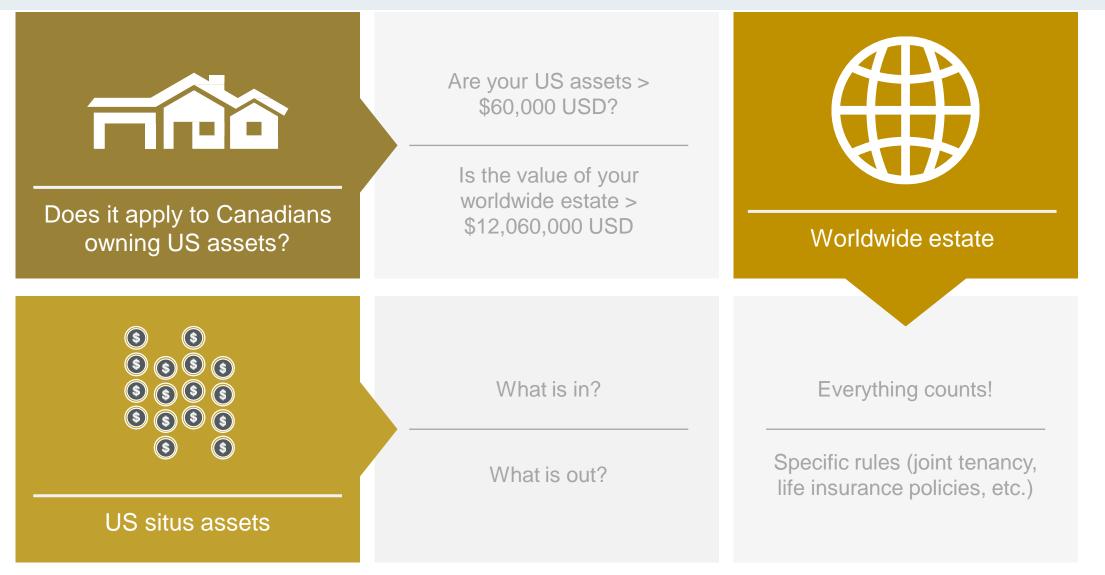
October 12, 2022



US ESTATE TAX FOR CANADIANS

October 12, 2022

US ESTATE TAX FOR CANADIANS



RBC

US ESTATE TAX FOR CANADIANS

If you hold U.S. assets, we recommend that you consult one of our cross border experts to discuss solutions and strategies for U.S. estate tax, probate and other cross-border tax and estate planning issues.

*In order to calculate your exposure, use the calculator below. Please note that the calculator reflects the changes to U.S. estate tax effective January 1, 2022. The calculator is updated annually to reflect annual adjustments to the exemption amount.

levysalis.com/calculators/

\$100,000	\$1,000,000
US Taxable Estate Value	Worldwide Taxable Estate Value
Year	2022
Estimated Taxable Amount	\$100,000
Estimated Tax Marginal Rate	30 %
Estimated Estate Tax Amount	\$23,800
Unified Credit Amount	\$476,980
Estimated Estate Tax	\$0



INVESTMENT PROPERTIES Scenario:

I have been following the US real estate market for a while. I think I can realize a nice gain if I buy a property in the US and rent it out for a number of years. Also, the rental proceeds will be a nice income supplement.

How do I structure this kind of business venture? How will the income be taxed? How do I limit my liability?



IMMIGRATION QUESTIONS



IMMIGRATION QUESTIONS

180

IMMIGRATION QUESTIONS







WHAT IF I WANT TO STAY PAST 180 DAYS?



WHAT IF I WANT TO STAY PAST 180 DAYS?

POSSIBLE TO APPLY TO DO SO BY FILING



POSSIBLE TO APPLY TO DO SO BY FILING

Form I-539



Form I-539

MUST FILE BEFORE 180 DAYS ARE UP



MUST FILE BEFORE 180 DAYS ARE UP

NO AUTOMATIC APPROVAL

182 DAYS IN THE CALENDAR YEAR

徽IRS

Day

00

NO ACTION REQUIRED

*A typical Snowbird who spends more than 122 days in the US for at least 3 years in a row is likely to meet the SPT.

Therefore, 120 days is used as a guideline for filing Form 8840.

182 DAYS IN THE CALENDAR YEAR



120

Days

FORM 8840

182 DAYS IN THE CALENDAR YEAR



182

Days

Form 1040NR, Treaty based positions + Canadian Health Insurance Concerns!

SPENDING TIME IN THE UNITED STATES

SUBSTANTIAL PRESENCE TEST (SPT)

Canadian snowbirds must navigate the complex rules surrounding the	YEAR OF 2021
number of days they are allowed to spend in the US.	
The Levy Salis LLP team frequently guides clients through the variety of	
issues related to this question so they can make informed decisions about the amount of time they spend stateside.	YEAR OF 2020
DAYS SPENT IN THE U.S.*:	YEAR OF 2019

VISIT LEVYSALIS.COM/CALCULATORS/ TO SEE IF YOU MEET THE SUBSTANTIAL PRESENCE TEST

*THE NUMBER OF DAYS SHOULD INCLUDE ALL DAYS SPENT IN THE US FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR.

OUR PROCESS

ANALYZE

RECOMMEND

IMPLEMENT

OUR PROCESS

ANALYZE

RECOMMEND

IMPLEMENT

Questions



- Please use the CHAT bar to submit your questions in writing during the live presentation.
- To register a question over the phone following the formal portion of our presentation:
 - Enter 1 followed by 4 on your phone.
 - If your question has already been asked, you can unregister your question by dialing 1 followed by 3.

Note, this webinar is being recorded, and the presentation will be made available on our virtual advice event landing page.

