

Tax and Revenue Administration (TRA)

Tourism Levy

Information Circular TL-2R6

Information for Operators and Online Brokers

Last updated: March 2021

NOTE: This information circular is intended to explain legislation and provide specific information. Every effort has been made to ensure the contents are accurate. However, if a discrepancy should occur in interpretation between this information circular and governing legislation, the legislation takes precedence.

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- Website: tra.alberta.ca
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Note: for toll-free service in Alberta, call 310-0000, then enter the number.



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Introduction

1. A person who acquires accommodation in Alberta for the person's own use, or for the use of another person, is required to pay a tourism levy at the rate of 4 per cent of the purchase price of the accommodation. The tourism levy is paid at the time of purchase of the accommodation and is collected by, or on behalf of, the person (operator) who sells, offers for sale, or otherwise provides (collectively, provides) the accommodation.
2. For a complete overview of the tourism levy program, including detailed explanations of accommodation, purchase price and exemptions from the tourism levy, refer to [Information Circular TL-1, Overview of the Alberta Tourism Levy Program](#).
3. Subject to the '[Providing Accommodation Through an Online Broker](#)' section, an operator is required to register, collect and remit the tourism levy, and file returns, in accordance with obligations set out in the *Tourism Levy Act* (the Act), as explained below.

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Registration

4. Subject to the '[Exceptions](#)' and '[Providing Accommodation Through an Online Broker](#)' sections, in order to provide accommodation in Alberta, a person is required to register with TRA as an operator by creating and signing into a [MyAlberta Digital ID account](#), selecting 'Tourism Levy', and completing and submitting the online registration form through the [Tax and Revenue Administration Client Self-service \(TRACS\)](#) secure online system. For complete information on how to register as an operator, refer to the [Tourism Levy page](#) of our website.

5. If a person provides accommodation in respect of more than one establishment, the person may be required to register in respect of each establishment.
6. Once registered, each establishment is assigned a unique tourism levy account number that is to be used for the purposes of filing returns, making remittances and corresponding with TRA.
7. TRA may refuse to register a person as an operator if, in the opinion of the Minister, the person (and, if the person is a corporation, one of its directors or officers) has contravened the Act. The Minister may also refuse to register a person who is not dealing at arm's length with a person whose registration has been suspended or cancelled, or whose application for registration has been refused.
8. If TRA refuses to register a person, TRA will send the person a notice of refusal. If the person disagrees with TRA's decision, the person may object to the notice of refusal. For additional information on how to object to a notice of refusal, refer to the '[Objections and Appeals](#)' section.
9. If the Minister suspends or cancels an existing registration, the operator may not provide accommodation in Alberta until the suspension has ended or the registration has been reinstated.

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Changes in Operations

10. An operator must immediately notify TRA in writing if the operator ceases to provide accommodation in an establishment. For administrative efficiency, an operator should also notify TRA of any of the following:
 - (a) new business locations,
 - (b) changes in the nature of the business, for example, from a seasonal operation to a year-round operation,
 - (c) temporary business closures, for example, for renovations,
 - (d) changes in the legal or operating name, or address, of the business, and
 - (e) changes in the ownership of the business.

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Changes in Ownership

11. If there is a change in the ownership of the business and the new owner intends to continue providing accommodation at the respective establishment, the new owner is required to register with TRA as an operator following the process explained in the ['Registration'](#) section.
12. The previous owner is responsible for notifying TRA that there has been a change of ownership and ensuring that, up to the date of the change in ownership, all tourism levy returns have been filed and all tourism levy payable has been remitted to TRA. The previous owner may submit a written request to TRA for a 'clearance certificate', which will certify that all amounts for which the operator is liable, up to the date of the certificate, have been paid. TRA will also confirm that all required returns have been received.

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Collecting the Tourism Levy

13. An operator is required to collect the tourism levy from each purchaser at the time the accommodation is purchased or, in the case of ongoing maintenance fees in respect of a prepaid vacation package, when the maintenance fees are paid.
14. The tourism levy is calculated on the purchase price of the accommodation before the application of the federal goods and services tax.
15. If an operator participates in a reward or loyalty point program, the tourism levy in respect of the points is calculated on the actual amount of monetary compensation received by the operator from, for example, the operator's head office, a franchisor, or the reward program administrator. The purchase price in respect of the points is deemed to be the amount received, and the amount of tourism levy is deemed to be included in the amount received. However, if part of the purchase price also includes monetary or other consideration, the portion of the purchase price and tourism levy in respect of that consideration is calculated based on the gross amount or value of the consideration received from the purchaser.

For example, if an operator receives \$80.00 of compensation from the reward program administrator in respect of redeemed points, the tourism levy in respect of the points is \$3.08 ($\$80.00 \times 4/104$). The purchase price in respect of the points is deemed to be the net amount of \$76.92 ($\$80.00 - \3.08). If the purchaser also paid a cash amount of \$150.00, the purchase price in respect of the cash is \$150.00 and the tourism levy in respect of the cash is \$6.00 ($\$150.00 \times 4\%$). Accordingly, the total amount of tourism levy collected by the operator is \$9.08 ($\$3.08 + \6.00) on a total purchase price of \$226.92 ($\$76.92 + \150.00).

16. For additional examples of how the purchase price and tourism levy are calculated for transactions using points with or without additional monetary or other consideration, refer to the 'Reward or Loyalty Point Programs' section of [Information Circular TL-1, Overview of the Alberta Tourism Levy Program](#).

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Remitting the Tourism Levy

17. An operator who collects (or is deemed to have collected) the tourism levy payable by purchasers is required to remit the tourism levy to TRA. All remittances must be received by TRA on or before the 28th day after the end of each collection period. If the payment due date is on a weekend or government holiday, the payment will still be considered on time if it is received by TRA on the next business day.
18. Subject to the '[Providing Accommodation Through an Online Broker](#)' section, the collection periods depend on the number of sleeping rooms available for rent, as follows:
 - (a) if an operator rents or offers for rent 50 or more sleeping rooms, the collection periods are each calendar month, or
 - (b) if an operator rents or offers for rent fewer than 50 sleeping rooms, the collection periods are each calendar quarter ending March 31, June 30, September 30 and December 31.
19. If the number of sleeping rooms available for rent is normally 50 or more, but falls below 50 on a temporary basis, for example, due to certain rooms being under renovation, the collection periods should continue to be determined on the basis of the number of sleeping rooms normally available for rent.
20. In calculating the number of sleeping rooms for the purpose of determining the collection period, an operator who has more than one establishment may either group together as a unit, or consider separately, all establishments in which the operator provides accommodation.
21. For information on how to remit the tourism levy to TRA, refer to the '[About making payments to Tax and Revenue Administration](#)' page of our website.
22. If a remittance is late or insufficient, interest will be charged on the unpaid balance.

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Refunds

23. An operator, who has collected from a purchaser a tourism levy in an amount greater than required, must refund the overpayment to the purchaser as soon as reasonably possible, or within the time specified by TRA in a written notice. In such circumstances, if the amount that was refunded to the purchaser had already been remitted to TRA, the operator may deduct the amount of the refund from the next remittance payable to TRA.
24. An operator may claim a refund of tourism levy that was remitted in respect of accommodation purchased on credit, where all or a portion of the amount of the debt in respect of the purchase is a bad debt.
25. A 'bad debt' is a debt owing to an operator that has become uncollectible and that has been included in calculating the operator's income for the current or a preceding taxation year for purposes of the *Income Tax Act* (Canada). In general, a debt is not considered to be uncollectible unless the operator has exhausted all reasonable efforts to collect the debt and, in the case of a bankruptcy or receivership of a debtor, has filed a claim with the trustee or receiver that includes the amount of the tourism levy owing shown separately.
26. An application for a refund must be accompanied by invoices and other records required to prove the claim, and to determine the amount of the tourism levy that was remitted to TRA and the amount to be refunded.
27. An application for a refund of a bad debt must be received by TRA within one year after the earlier of:
 - (a) the date a notice of bankruptcy or notice of the appointment of a receiver is received by the operator, and
 - (b) the date the debt was written off as a bad debt in the operator's books.
28. If, in the opinion of TRA, a person claiming a refund has misrepresented a material fact, the application will be disallowed and the refund will not be paid.

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Filing Returns

29. An operator is required to file a tourism levy return for each collection period. The [tourism levy return](#) is available on [TRACS](#) or by [contacting TRA](#).
30. A return must be filed and received by TRA on or before the 28th day after the end of each collection period. If the filing due date is on a weekend or government holiday, the return will still be considered filed on time if it is received by TRA on the next business day. For additional information on collection periods, refer to the '[Remitting the Tourism Levy](#)' section.

31. Subject to the '[Providing Accommodation Through an Online Broker](#)' section, a return must be filed whether or not any accommodation was provided or purchased during the collection period. TRA may also advise a particular operator, in writing, that a return for a particular period is not required to be filed.
32. An operator registered prior to April 1, 2021 may file returns either on paper or electronically, but is encouraged to begin filing electronically online using [TRACS](#) as soon as possible. An operator registered on or after April 1, 2021 is required to file returns electronically online using [TRACS](#), unless TRA has advised in writing that returns may be filed using another method.
33. For additional information on how to access [TRACS](#) and file returns online, refer to the [Tourism Levy](#) page of our website.

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Providing Accommodation Through an Online Broker (Effective April 1, 2021)

34. Notwithstanding the various obligations imposed on operators, as explained in the '[Registration](#)', '[Collecting the Tourism Levy](#)', '[Remitting the Tourism Levy](#)' and '[Filing Returns](#)' sections, different administrative rules may apply to an operator who provides accommodation through an online broker, as explained below.
35. An 'online broker' is a person or entity who operates an online marketplace. An 'online marketplace' is a digital accommodation platform through which the provision of accommodation located in Alberta is facilitated, and by which payment for the accommodation is collected on behalf of an operator. For example, a website (other than an operator's own website) used by the public to book and pay for accommodation is an online marketplace.

Accommodation Hosts

36. An operator may enter into a contract with an online broker whereby the operator lists lodging on the online broker's online marketplace. The operator remains responsible for filing returns and remitting the tourism levy in respect of the accommodation purchased through the online broker's online marketplace. However, the way in which the tourism levy is collected may depend on the contractual terms between the operator and online broker. For example, a purchaser may be required to pay the tourism levy directly to the operator, or the online broker may collect the tourism levy from the purchaser at the time the accommodation is purchased and then forward it to the operator.

37. For the purpose of registering with TRA, an operator who provides accommodation through an online broker is referred to as an 'accommodation host'. This term includes an operator who provides accommodation through both an online broker and through another method (such as through the operator's own website, in-person or over the telephone).

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Authorized Online Brokers

38. The Act empowers TRA to authorize an online broker to collect and remit the tourism levy, and file returns, on behalf of operators who provide accommodation through the online broker's online marketplace. However, currently there are no online brokers who have been authorized to do so. Additional information on this initiative will be provided in the future. In the meantime, an online broker who desires to become authorized to collect and remit the tourism levy on behalf of operators should [contact](#) TRA.

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Collection Periods

39. As explained in the '[Remitting the Tourism Levy](#)' section, an operator's collection periods normally depend on the number of sleeping rooms available for rent. However, an accommodation host who provides lodging only in a residential unit, and provides that lodging solely through an online broker, is required to report and remit the tourism levy only in respect of the months in which tourism levy payable is received from the online broker or collected directly from purchasers. In general, a 'residential unit' includes a house, cottage or another similar dwelling, a duplex or townhouse, an apartment or condominium, and the part of a multi-use building that is used for a residential purpose.

For example, a person buys a house in Medicine Hat to be used as a short-term rental property for various vacationers throughout the year. The person enters into a contract with an online broker to list the house for rent on the online broker's online marketplace. The house is not offered for rent anywhere else. In this case, the person is required to register as an operator (accommodation host), file returns and remit the amount of tourism levy collected (which is collected by the online broker and forwarded to the accommodation host in accordance with the contractual terms between the parties). However, the person is only required to file returns and remit the tourism levy in respect of the months in which the online broker forwards the tourism levy to the person. This is because the house is a 'residential unit', the person provides only that type of lodging, and the house is provided solely through the online broker's online marketplace.

40. For additional information on the definition of 'residential unit', refer to the Accommodation section of [Information Circular TL-1, Overview of the Alberta Tourism Levy Program](#).

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Exceptions Where Tourism Levy Does Not Apply

41. Notwithstanding any other registration, collection, remitting or filing obligations imposed under the Act, a person is not required to register, collect and remit the tourism levy, nor file returns, in respect of lodging to which the tourism levy does not apply on account of the lodging being excluded from the definition of accommodation. The following lodging is excluded:

- (a) Lodging that is occupied by the same individual continuously for a period of 28 days or more.

For example, a person owns a condominium in Calgary. The person does not ordinarily live in the condominium, but rather rents it to a tenant under an annual lease agreement. In this case, the person is not required to register, collect and remit the tourism levy, and file returns in respect of the condominium because the lodging provided is excluded from the definition of accommodation for the purposes of the Act. Accordingly, the tourism levy does not apply.

- (b) Effective April 1, 2021, lodging that is not listed on an online marketplace (other than a person's own website) and for which the purchase price for the unit of lodging is less than \$30 per day, or less than \$210 per week.

For example, a person owns a house in Fort McMurray. The person ordinarily lives in the house, but rents a spare bedroom to a friend for \$25 per day. In this case, the person is not required to register, collect and remit the tourism levy, nor file returns in respect of the bedroom, because the lodging provided is excluded from the definition of accommodation for the purposes of the Act. Accordingly, the tourism levy does not apply.

- (c) Effective April 1, 2021, lodging that is provided by a person who does not list the lodging on an online marketplace (other than the person's own website) and whose gross revenue from the provision of lodging in Alberta in the previous 12 months was less than \$5,000, and whose gross revenue from the provision of lodging in the next 12 months is reasonably estimated to be less than \$5,000.

For example, a person owns a one-storey bungalow with a basement suite in Lethbridge. The person ordinarily lives on the main floor of the house, and periodically provides short-term lodging to vacationers in the basement suite. Gross revenue from the rental of the suite was less than \$5,000 in the previous 12 months and is not reasonably estimated to be greater than \$5,000 in the next 12 months. In this case, the person is not required to register, collect and remit the tourism levy, nor file returns, in respect of the suite because the lodging provided is excluded from the definition of accommodation for the purposes of the Act. Accordingly, the tourism levy does not apply.

42. Unless another exception applies, the exclusions set out in paragraphs (b) and (c) of the immediately preceding paragraph do not apply if a person lists lodging on an online marketplace, other than the person's own website. Accommodation listed on an online marketplace, other than the person's own website, is subject to the tourism levy regardless of the amount of the daily or weekly purchase price, and regardless of the amount of gross revenue earned.
43. Even if a person does not list lodging on an online marketplace, the person must register, collect and remit the tourism levy, and file returns, if gross revenue from the provision of lodging in Alberta in the previous 12 months was greater than \$5,000, or if the revenue is reasonably estimated to be greater than \$5,000 in the next 12 months, as the lodging is no longer excluded from the definition of accommodation. Note that the 12-month period may not follow the calendar year of January to December. However, as the exception is effective April 1, 2021, gross revenue from the provision of lodging received before that date need not be considered for the purposes of determining the amount of gross revenue and whether the exception applies.

For example, a person owns a house with a basement suite in Edmonton. The person ordinarily lives on the main floor of the house, and periodically provides short-term lodging to vacationers in the basement suite. The person determines that gross revenue from the rental of the suite will exceed \$5,000 during the 12-month period beginning June 1 of the prior year and ending May 31 of the current year. The determination may be based on amounts received during that period, or reasonably estimated to be received by the end of May of the current year based on confirmed bookings. In this case, the person is required to register as an operator in May of the current year. Effective as of the date of registration, and for future collection periods, the operator must collect and remit the tourism levy, and file returns in respect of the accommodation provided.

44. A registered operator, whose gross revenue from the provision of lodging is reasonably estimated to be less than \$5,000 in future years, should contact TRA for assistance in determining whether their registration may be cancelled based on their particular circumstances.

45. For additional information on the definition of 'accommodation', including a complete list of the types of lodging to which the tourism levy does not apply, refer to [Information Circular TL-1, Overview of the Alberta Tourism Levy Program](#).

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Assessments

46. An operator who files a return electronically through TRACS may log into the system in order to view the amount of tourism levy assessed and the payment received by TRA for each collection period. An operator who is not a TRACS user will be issued a Statement of Account. Where an amount remains unpaid, interest will accrue until full payment is received. A Notice of Assessment may be issued to reflect adjustments made during processing.
47. TRA may assess any tourism levy payable by a purchaser or required to be remitted by an operator, as well as interest and penalties, within four years from the day the tourism levy became payable or was required to be remitted, as the case may be.
48. However, TRA may assess any tourism levy payable or required to be remitted, and assess interest and penalties, at any reasonable time if a purchaser or an operator has:
- (a) made any misrepresentation that is attributable to neglect, carelessness or wilful default,
 - (b) committed a fraud in making a return or in supplying information under the Act, or
 - (c) failed to disclose any relevant information.

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Administrative Penalties

49. An operator that does not file a return as and when required may be assessed a late filing penalty as follows:
- (a) for a return that is filed within four days from the required filing date, \$25 for each day of default,
 - (b) for a return that is filed after four days from the required filing date, the lesser of \$25 per day or the unpaid levy at the required filing date, with a minimum of \$100 (regardless of the amount of unpaid levy) and a maximum of \$1,000.

50. Where a person owes an amount under the Act and TRA is of the opinion that the reason the amount is owing is attributable to neglect, carelessness or willful default by or on behalf of the person, or is attributable to fraud or evasion committed by or on behalf of the person, the Minister may determine the amount owing and assess a penalty equal to 50% of the amount owing.
51. If a penalty has been assessed in accordance with the immediately preceding paragraph, TRA may demand payment of the amount owing, including the penalty. Evidence that a demand has been made is considered to be proof that the unpaid amount and penalty are owing to Alberta.
52. Where an operator has over-collected tourism levy from a purchaser and fails or refuses to refund the overpayment, TRA may assess a penalty equal to the amount of the payment, to a maximum of \$500.

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Collection Procedures

53. If tourism levy is not remitted as and when required by the Act, the operator (debtor) will be assessed accordingly. Normally, assessed amounts are due within 30 days from the date of the assessment, after which interest will begin to accrue and TRA may initiate collection action.
54. A debtor that is unable to pay as and when required, and seeks an extension of time to pay, must contact the Filing Compliance and Collections unit of TRA. An extension may be granted if TRA agrees that immediate payment would result in extreme hardship. However, interest will continue to accrue on the unpaid balance.
55. If a debtor is unable to make an immediate payment in full, TRA may accept security for payment of the amount owing. The full cost of providing security is borne by the debtor. The acceptance of security by TRA does not relieve the debtor from the obligation to pay amounts owing in accordance with any arrangements agreed to by TRA, nor does it relieve interest from continuing to accrue on the unpaid balance. A request for the return of security held by TRA must be made in writing, and security will be returned only to the extent that its value exceeds any remaining amounts owing by the debtor.
56. If TRA has knowledge or suspects that a third party is, or will be within a certain periods of time, liable to make a payment, lend or advance money to a debtor, TRA may require the third party to pay to TRA the amount that would otherwise be paid to the debtor. A requirement to pay is issued to a third party in writing. Third parties include banks, clients of the debtor, or any other party that may owe or be willing to lend money to the debtor. On receipt of a requirement to pay, the third party must pay TRA the amount owing to the debtor or else the third party will be liable for that amount.

57. A requirement to pay may be sent to a third party that is required to make a payment jointly to a debtor and one or more other parties. In such cases, the money payable is divided into equal portions based on the number of parties jointly owed the money by the third party. The Act also provides that the debtor is the unconditional and sole owner of one equal portion of the money.
58. The debtor and any person who is owed money jointly with the debtor may, within 30 days of being served with a requirement to pay, apply to the Court for an order that the debtor is entitled to a different portion of the money. A copy of the application must be served on TRA and all the other parties jointly owed the money by the third party.
59. If an amount owing under the Act has not been paid or has been paid only in part, TRA may issue a certificate stating the unpaid amount and file it in the Court of Queen's Bench of Alberta (Court). The certificate has the same force and effect as if it were a judgment of the Court. Once a certificate is filed, TRA may proceed to enforce payment of the amount owing including, for example, registering a Writ of Enforcement and seizing the debtor's assets. All reasonable costs payable in respect of the filing of a certificate, including interest, are recoverable from the debtor in addition to the unpaid amount.

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Maintaining Records

60. An operator must maintain records showing all the information necessary to enable TRA to determine the amount of tourism levy required to be collected and remitted by the operator.
61. Records to be retained by an operator may include, but are not limited to:
 - (a) copies of invoices or receipts provided to purchasers for the rental of accommodation, including the purchase price and amount of tourism levy shown separately,
 - (b) guest registers or registration cards,
 - (c) tour or block booking contracts or agreements,
 - (d) revenue-reporting summaries and documents to support all revenue exempt from the tourism levy,
 - (e) financial statements and supporting notes or schedules,
 - (f) long-term room rental or lease agreements,
 - (g) schedules detailing room charge rates, charges for meals and any other applicable service charges in respect of room rental charges that included meals or other services, and

(h) copies of any contracts and room charge rates for similar accommodation in respect of accommodation provided free of charge to persons performing services for the operator.

62. An operator must keep records at the operator's place of business or residence in Alberta, or at any other place with the written approval of TRA.
63. An operator must keep records for a period of four years after the end of the calendar year in which the records were created.

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Inspections, Audits or Examinations

64. TRA is authorized to inspect, audit or examine records of an operator to ensure that the Act is being complied with, and to determine whether the tourism levy has been properly paid, collected and remitted. TRA may make copies of records as necessary.
65. An operator must cooperate with TRA during the course of the inspection, audit or examination and provide relevant records and information as required by TRA.
66. TRA may, for any purpose related to the administration or enforcement of the Act, demand that an operator produce any information or document within a reasonable period of time. Such a demand will be made in writing and served on the operator as necessary. If an operator does not comply with the demand, TRA may apply to the Court for an order directing the operator to comply.

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Waivers of Penalties or Interest

67. TRA is authorized to waive or cancel all or any portion of a penalty or interest payable under the Act.
68. Waivers of penalties or interest are intended to provide relief in extraordinary circumstances not covered by the Act or administrative policy. Waivers are to be used as a last resort and requests for relief are treated as such.
69. If a disputed liability relates to the application of the Act, a Notice of Objection should be filed, rather than a waiver.

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Extraordinary Circumstances

70. TRA may waive penalties or interest if extraordinary circumstances prevented an operator from complying with the Act. Examples of such circumstances include:
- (a) natural disasters, such as floods or fires,
 - (b) personal tragedies, such as a serious illness, accident, or death of the person (or in the family of the person) that oversees and ensures compliance with the Act,
 - (c) civil disturbances or disruptions in services, and
 - (d) public health emergencies.
71. TRA must be satisfied that, despite the extraordinary circumstance, all reasonable efforts were made to comply with the Act. This includes filing returns and remitting the tourism levy as and when due. If a return was not filed or tourism levy not remitted by the due date, and the extraordinary circumstances leading to the request or a waiver of interest did not occur until after the due date, TRA generally will not waive the interest.

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Administrative Delay or Error

72. TRA may waive penalties or interest if the applicant can establish that TRA's actions were in error or were the primary cause of the delay. Examples of such actions include:
- (a) processing delays by TRA that result in a person not being informed within a reasonable time of an amount owing,
 - (b) unreasonable delays in resolving objections or appeals, or in completing an inspection, audit or examination,
 - (c) incorrect advice or action in response to a person's enquiry or request,
 - (d) errors in information provided by TRA in publications or forms, and
 - (e) new interpretations of tax law by TRA after a return was filed in reliance on a previous interpretation.

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Financial Hardship

73. TRA will consider waiving interest when substantial interest has accumulated or is expected to accumulate for an operator confirmed to be unable to pay all amounts owing.
74. TRA will consider waiving interest accumulated over the course of an extended payment agreement that was based on an inability to pay. The waiver will apply only if the operator maintains its payment schedule and complies with the Act.
75. Penalties will generally be waived on the basis of financial hardship when it is determined that enforcing payment of penalties would jeopardize continued operation of the business, the jobs of employees, or the welfare of the community as a whole.
76. Prior to an application for a waiver of penalties or interest on the basis of financial hardship is approved, TRA requires full financial disclosure from the applicant, including a statement of income and expenses, and a statement of assets and liabilities.

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Circumstances Under Which a Waiver Will Not Be Given

77. Alberta's tourism levy program operates on a self-assessing system that depends on voluntary compliance. Operators are responsible for correctly calculating, reporting, and remitting tourism levy as and when required by the Act. Interest or penalties may be assessed when TRA detects and corrects errors in filed returns. This may not occur until a post-assessment review of the return is made, which could be several months or years after the initial assessment. In these cases, the assessed penalties or interest may not be waived on account of the delay unless the delay was considered to be unreasonable.
78. Penalties and interest usually will not be waived because of error, lack of knowledge, misrepresentation or misapplication on the part of the operator, their principals or representatives. Penalties that relate to false statements made knowingly or due to neglect, carelessness, or wilful default will not be waived.
79. A postal strike is not normally sufficient reason to waive interest on a late payment because payments can be made through most Alberta financial institutions. During postal strikes, TRA arranges for the filing of returns at designated government centres throughout Alberta.

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Other Considerations

80. Before an application for a waiver of penalties or interest is approved, TRA considers how the applicant has conducted business with TRA, including the person's history of compliance with the Act, efforts made to prevent the liability or take corrective action, and the amount of care taken in conducting its affairs under the self-assessing system.
81. An applicant should not seek relief from penalties or interest by more than one method at any one time. If an applicant has filed a Notice of Objection, has appealed to the Court, or has otherwise requested a reassessment, that applicant should not concurrently seek a waiver of penalties or interest on the same issue.

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Waiver Process

82. An application for a waiver of penalties or interest may be made by filing a duly completed [Request for a Waiver of Penalties and Interest \(Form AT4764\)](#), which may be emailed to tra.revenue@gov.ab.ca to the attention of the Tax Services Branch, or may be mailed to:

ALBERTA TREASURY BOARD AND FINANCE
TAX AND REVENUE ADMINISTRATION
TAX SERVICES BRANCH
9811 – 109 STREET NW
EDMONTON AB T5K 2L5

83. An application for a waiver of penalties or interest must be made in writing and include the following information:
 - (a) name and address of operator,
 - (b) representative's name and address (if applicable),
 - (c) name under which the business is operated,
 - (d) business identification number,
 - (e) collection periods involved,
 - (f) description of the penalty or interest for which the waiver is sought and the amount involved,
 - (g) reasons the penalty or interest should be waived, supported by documentation and a chronology of events, as applicable, and
 - (h) description of previous contacts with TRA or other areas of Alberta Treasury Board and Finance on the issue.

84. An application for a waiver of penalties and interest must be made within four years from the end of the calendar year in which the penalty or interest is assessed.
85. TRA will review the application in detail and consider all relevant factors. The applicant will be informed of the decision in writing.
86. Any resulting changes to penalties or interest will be made through an adjustment to the operator's account, or through reassessment. No interest will be paid on refunded amounts.

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Second Administrative Reviews

87. If an application for a waiver of penalties or interest was partially approved or denied, the applicant cannot object in order to dispute TRA's decision. However, if the applicant believes that TRA's discretion has not been properly exercised within the intent of the Act, the person may request that TRA reconsider the original decision and review the situation again. During the second review, the applicant will have the opportunity to make additional representations to TRA for consideration.
88. A written request for a second administrative review may be sent to TRA by email or regular mail at the addresses set out in the '[Waiver Process](#)' section.
89. Staff of the Tax Services Branch not involved in the review of the first application for a waiver of penalties or interest will perform the second administrative review in order to ensure impartiality. The applicant will be informed of the second decision in writing.

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Judicial Reviews

90. If the operator disagrees with either of TRA's decisions in respect of a waiver of penalties or interest, an application for judicial review may be filed with the Court within six months from the day TRA sent notice of the decision. The operator should obtain professional advice or contact the Court for information on how to make an application for judicial review.

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Objections and Appeals

Filing a Notice of Objection

91. An operator may object to a notice of:
 - (a) assessment of the tourism levy, interest or penalties, and
 - (b) refusal, suspension or cancellation of a registration.
92. If an operator disagrees with a notice issued under the Act, the person should first contact TRA for an explanation, as many disputes can be resolved through discussion or exchange of additional information. However, if the dispute cannot be resolved through discussion with TRA, the operator may formally object to the notice by filing a [Notice of Objection \(Form AT4762\)](#) within 90 days after the day of sending of the notice.
93. A separate form should be filed for each notice to which an objection is made.
94. An objection must be served on TRA by being sent either electronically or by registered mail. An objection that is sent to TRA electronically is deemed to have been served on the day that TRA acknowledges that the objection has been received. An objection that is sent to TRA by registered mail must be dated within 90 days after the day of sending of the respective notice of assessment, refusal, suspension or cancellation.
95. An objection sent electronically should be filed online using the Tax and Revenue Administration Client Self-Service ([TRACS](#)) system. Otherwise, the [Notice of Objection \(Form AT4762\)](#) is available on TRA's website and may be emailed to tra.revenue@gov.ab.ca to the attention of the Tax Services Branch.
96. An objection sent by registered mail should be addressed to:

ALBERTA TREASURY BOARD AND FINANCE
TAX AND REVENUE ADMINISTRATION
TAX SERVICES BRANCH
9811 – 109 STREET NW
EDMONTON AB T5K 2L5

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Extensions of Time

97. If an operator has not filed an objection within 90 days after the day of sending of the respective notice, the Act allows the operator to apply for an extension of time to file an objection. The application for an extension of time must be accompanied by a copy of the objection and served on TRA within one year after the expiration of the 90-day deadline for serving the objection.
98. An application for an extension of time must set out the reasons why the Notice of Objection was not served within the 90-day deadline and demonstrate that
 - (a) within the time limit for filing the objection, the operator was unable to act or to instruct another to act in their name, or that they intended in good faith to object,
 - (b) given the reasons set out in the application for the extension and the circumstances, it would be just and equitable for TRA to grant the extension, and
 - (c) the application was made as soon as circumstances permitted.
99. An application for an extension of time may be sent to TRA by email or regular mail at the addresses set out in the '[Filing a Notice of Objection](#)' section.
100. If the application is sent by registered mail, the date of registering the mail must be within the specified time period (within one year after the expiration of the 90-day deadline for serving the objection). The date TRA receives the application applies when the application is served by any other method.
101. If an application for an extension of time is refused, or TRA has not replied to the request within 90 days of being served, the Act allows a person to apply to the Court to have the application granted.

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Consideration of the Notice of Objection

102. A complete Notice of Objection received by TRA within the required deadline is assigned to a Tax Analyst of the Tax Services Branch with no previous involvement in the matter in order to ensure impartiality. The Tax Analyst will review the objection and make a recommendation for how it should be resolved. During the review, the Tax Analyst may contact the person that filed the objection and ask for additional information or documentation to be provided.

103. A Director will consider the recommendation made by the Tax Analyst, and will vacate, confirm or vary the action or decision. TRA will notify the objector of the decision in writing and a new notice may be issued as necessary.

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Notices of Appeal

104. If an operator is dissatisfied with a decision made by TRA regarding an objection, an appeal to the Court may be filed within 90 days of the date of mailing of TRA's response to the Notice of Objection.
105. An appeal to the Court may also be filed if 90 days have passed since a Notice of Objection was served on TRA and a decision has not been made.
106. An appeal to the Court is made by serving on TRA a Notice of Appeal by registered mail, together with a copy of the Notice of Objection, and by filing a copy of the Notice of Appeal with the Clerk of the Court.
107. If an appeal is in respect of an assessment of tourism levy, interest or penalties, the Court may dismiss the appeal, or allow the appeal and vacate, vary or restore the assessment, or refer the assessment back to TRA for reconsideration. If an appeal is in respect of a registration, the Court may dismiss the appeal, or allow the appeal and direct that the registration be granted, the suspension be removed, or the registration be reinstated. The Court may also order the payment or repayment of a tourism levy, interest, penalties or other costs.

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Offences

108. A person convicted of an offence under the Act is liable to a fine, imprisonment, or both. Penalties related to offences are court-imposed. Maximum fines, and the term of imprisonment that may be imposed on individuals, are specified in the Act and depend on the nature of the offence.
109. It is an offence under the Act for an operator, or its representatives, to:
- (a) make false statements on returns, destroy or alter documents required to be maintained under the Act, wilfully evade compliance with the Act, or wilfully claim or attempt to claim a refund greater than that to which the claimant is entitled,
 - (b) fail to file a return or provide information when required, or
 - (c) fail to collect or remit the tourism levy as and when required.

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Contact Information and Useful Links

Email TRA:	TourismLew@gov.ab.ca
Visit our website:	tra.alberta.ca
Subscribe to receive email updates:	tra.alberta.ca/subscribe.html
TRA Client Self-Service (TRACS):	tra.alberta.ca/tracs

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Superseded