

## Lifelong Learning Plan

While RRSPs are intended to help Canadian residents invest in their future, borrowing funds from your RRSP to finance education is also an investment in the future.

The Lifelong Learning Plan (LLP) provides an opportunity for individuals who want to advance their education but do not have funds other than those inside an RRSP. The LLP provides an interest-free loan from an RRSP for qualifying individuals and allows an individual to withdraw up to \$10,000 a year from his or her RRSP to finance his or her own or a spouse or common-law partner's (the "LLP student") full-time education or training at a qualifying educational institution. If the LLP student is disabled, he or she may qualify for the LLP even if attending on a part-time basis. Each individual is limited to a \$20,000 withdrawal in total over a four-calendar-year period while enrolled in a qualifying program.

### Conditions that must be met before withdrawal

Before a withdrawal is made, the LLP student must:

- Be enrolled in a qualifying educational program (see below) at a designated educational institution (see below), or
- Have received a written offer to enroll (or conditionally enroll) before March of the following year in a qualifying educational program at a designated educational institution

### Qualifying educational program

A qualifying educational program is an educational program that is at least three consecutive months in length and requires the student to spend at least 10 hours per week on courses or work in the program at a designated educational institution.

### Designated educational institution

A designated educational institution is a university, college, or other educational institution that qualifies for purposes of the education tax credit.

### **Maximum withdrawal from an RRSP**

You can borrow up to \$10,000 a year from an RRSP under the LLP. The maximum total withdrawal is \$20,000 over a four-year period. Any withdrawals in excess of the annual \$10,000 limit and/or the cumulative \$20,000 four-year limit will be included in your income.

#### **Example One**

In 2004, Lynn decided to return to college. She withdrew \$5,000 under the LLP in 2004, \$13,000 in 2005 and \$7,000 in 2006. In 2005, since her withdrawal exceeded the annual limit of \$10,000, she had to include \$3,000 in her income for that year. In 2006, her withdrawal made her cumulative withdrawals ( $\$5,000 + \$10,000 + \$7,000 = \$22,000$ ) exceed the participation limit of \$20,000, so she must include \$2,000 in her income for that year.

### **Spousal or common-law partner RRSPs**

If your spouse or common-law partner contributes to a spousal or common-law partner RRSP under which you are the annuitant during any of the last three years, any qualifying withdrawal made by you under the LLP will not be attributed back to your spouse or common-law partner as would normally be the case. If the money is not used to finance a post-secondary education, amounts not repaid to the RRSP must be reported as income of the spouse or common-law partner who withdrew the money (i.e., the annuitant). When the participant repays the withdrawals from the RRSP, the repayments can be made to any RRSP under which the participant is the annuitant.

### **Group RRSPs**

If you contribute to an employer-sponsored group RRSP, you may be penalized for early withdrawals, depending on the terms and conditions of the plan. Ask your employer for more details.

### **Use of funds**

As long as the LLP student is enrolled in a qualifying program at a designated educational institution, the person who made the withdrawal has complete control over the use of the funds. The funds can be used for purposes other than education costs. No proof of expenses is required.

### **Can I participate in the LLP more than once?**

Yes. However, all amounts previously received under the LLP must be repaid before the beginning of the year of re-participation. In other words, you can't repay a balance owing and re-participate by withdrawing again later that year – you must wait until at least the following year.

### **Disabled students**

If the LLP student has a mental or physical disability, then he or she may attend a designated educational institution on a part-time basis. In order to qualify, the disabled LLP student must either:

- Be entitled to the disability tax credit in the same year the LLP withdrawal was made, or
- Have a doctor (optometrist, audiologist, psychologist or occupational therapist) certify on Canada Revenue Agency (CRA) Form T2202 (“Education Amount Certificate”) that the student can only attend part time because of the disability

**What if I make a withdrawal from my RRSP and neither my spouse or common-law partner nor I pursue a qualifying post-secondary education?**

If you (the participant) satisfied the criteria to make the LLP withdrawal, but then the student does not meet the conditions of the LLP program, you generally have until December 31 of the year following the year in which you made the withdrawal to return the funds to your RRSP and cancel your participation. If the funds are not returned, the amount withdrawn will become taxable in the year withdrawn.

**Example Two**

Bill received a written offer to enroll in a qualifying program in January 2004. He withdrew \$10,000 in 2003 and then did not enroll at the designated educational institution. Bill must repay the funds and cancel his participation by December 31, 2004. Otherwise, the amount will be included in his income in 2003.

**How do these withdrawals affect new RRSP contributions?**

An anti-avoidance rule exists that prevents people from simply contributing to an RRSP for the tax deduction and then cashing it out tax-free as a withdrawal under the LLP. The tax rules state that RRSP contributions made during the 89-day period prior to withdrawal under the LLP may be ineligible to be deducted from income in any year.

To determine the amount of non-deductible RRSP contributions, subtract the fair market value of the particular RRSP immediately after the withdrawal under the LLP from all amounts you contributed to that plan during the 89-day period prior to the withdrawal.

**Example Three**

John contributes \$5,000 to his RRSP on April 1, 2004. In June 2004, within the 89-day period, John withdraws \$10,000 under the LLP in order to go to school. At the time of withdrawal, the fair market value of his RRSP was \$13,000.

**Is any amount of the \$5,000 contribution non-deductible?**

|  |                |
|--|----------------|
| Total amounts contributed to RRSP during the 89-day period prior to John's withdrawal under the LLP: | <b>\$5,000</b> |
| Less the fair market value of the RRSP immediately after the withdrawal (\$13,000 - \$10,000):       | <b>\$3,000</b> |
| Amount that is not deductible in any year (if negative, enter 0):                                    | <b>\$2,000</b> |

**Example Four**

Samantha contributes \$5,000 to her RRSP on April 1, 2004. In June 2004, within the 89-day period, she withdraws \$10,000 under the LLP in order to go to school. At the time of withdrawal, the fair market value of her RRSP was \$20,000.

**Is any amount of the \$5,000 contribution non-deductible?**

|  |                 |
|--|-----------------|
| Total amounts contributed to RRSP during the 89-day period prior to withdrawal under the LLP:  | <b>\$5,000</b>  |
| Less the fair market value of the RRSP immediately after the withdrawal (\$20,000 - \$10,000): | <b>\$10,000</b> |
| Amount that is not deductible in any year (if negative, enter 0):                              | <b>\$0</b>      |

Note that these rules apply on a plan-by-plan basis. You must look at the fair market value of each RRSP from which you withdrew under the LLP separately to determine if a contribution is deductible.

### Repayment under the LLP

Under the LLP, the participant must repay his or her RRSP over a 10-year period, beginning the earlier of:

- The fifth calendar year after the year of the first withdrawal, or
- The second consecutive year for which the student cannot claim the education credit for at least three months

#### Example Five

In June 2002, Julie received an offer to enroll in a two-year college certificate program. She enrolled in the program in September 2002 and completed the program in April 2004. She made withdrawals under the LLP in 2002 and 2003. Julie's repayment period will begin in 2006, since she will not qualify for the education amount for at least three months in 2005 or 2006.

#### Example Six

In June 2000, Henry received an offer to enroll in a four-year university program. He enrolled in the program in September 2000 and continued in the program throughout 2001, 2002 and 2003. In 2004, after completing his degree, Henry decided to continue his education in a post-graduate program from September 2004 until August 2005. He made withdrawals under the LLP in 2000, 2001, 2002 and 2003. Although he was still enrolled in a qualifying program at a designated institution in 2004 and 2005, he could not withdraw any more funds under the LLP, since it is limited to four years per participation. His repayment period will begin in 2005, the fifth calendar year after the year of the first withdrawal.

Every year the participant must repay a portion of the amount borrowed from his or her RRSP, starting with 1/10 of the outstanding balance in the first year. These repayments are not considered RRSP contributions and are not tax-deductible. Repayments do not have to be made to the same RRSP as the withdrawal. Rather, they can be made to any RRSP for which the participant is the annuitant. Any amounts not repaid are taken into income for that year.

LLP participants who have an outstanding balance at the end of the year must file a tax return each year until the LLP withdrawals have been fully repaid, even if the participant doesn't owe tax.

In order to be eligible to make your LLP repayments over a 10-year period, the LLP student has to continue to be enrolled at the end of March of the year following the LLP withdrawal, unless the student has already completed the program by then. If the LLP student leaves the program before April of the year following the withdrawal, repayments can still be made over a 10-year period if less than 75% of the student's tuition is refundable. If 75% or more of the LLP student's tuition is refundable, the LLP withdrawal must be cancelled.

Every fall, the CRA will send the participant a "Statement of Account – Lifelong Learning Plan" that will show what has been repaid, the balance remaining to be repaid and the minimum repayment for the next year.

#### Example Seven

Emily made a \$5,000 LLP withdrawal in each of September 2001, 2002 and 2003 for a total of \$15,000. She attended a three-year program, which ended in April 2004. Her first repayment of \$1,500 will be due in the year 2006. If she decides to repay less than the required amount, the difference will be

included in her income for that year. If she decides to repay more than the required amount, it will affect her total balance owing and her annual minimum payment will be recalculated based on the amount outstanding and the number of years left in her repayment schedule.

| Year | Amount required to be repaid in year | Amount Emily repaid to RRSP (assumed) | Taken into income | LLP balance |
|------|--------------------------------------|---------------------------------------|-------------------|-------------|
| 2006 | \$1,500*                             | \$ 0                                  | \$1,500           | \$13,500    |
| 2007 | 1,500                                | 1,000                                 | 500               | 12,000      |
| 2008 | 1,500                                | 1,500                                 | 0                 | 10,500      |
| 2009 | 1,500                                | 3,000                                 | 0                 | 7,500       |
| 2010 | 1,250**                              | 1,000                                 | 250               | 6,250       |
| 2011 | 1,250                                | 0                                     | 1,250             | 5,000       |
| 2012 | 1,250                                | 1,250                                 | 0                 | 3,750       |
| 2013 | 1,250                                | 1,250                                 | 0                 | 2,500       |
| 2014 | 1,250                                | 1,250                                 | 0                 | 1,250       |
| 2015 | 1,250                                | 1,250                                 | 0                 | 0           |

\* Calculated as \$15,000 (total eligible amounts) / 10 (number of years in repayment period)

\*\* Calculated as \$15,000 (total eligible amounts) - \$5,500 (repaid to RRSP) - \$2,000 (taken into income) / 6 (number of years remaining in repayment period)

## What happens if the participant becomes a non-resident of Canada?

If the participant becomes a non-resident, he or she has 60 days to repay the outstanding balance on his or her LLP, which must be done before the tax return for the final year of residency is filed. Any amount that has not already been repaid or taken into income in an earlier year will be included in the participant's income for the year when he or she ceased to be a Canadian resident.

### Example Eight

Alex made a \$10,000 LLP withdrawal in 2001. His repayment period began in 2003, at which time he made a \$1,000 repayment. In 2004, he made a \$500 repayment in September. On November 15, he became a non-resident. He has until January 13, 2005 to repay the outstanding balance of \$8,500 (\$10,000 - \$1,000 - \$500). On January 10, before he filed his tax return for 2004, he made an additional repayment of \$1,000. As a result, Alex will have to include the remaining \$7,500 (\$8,500 - \$1,000) in his income for 2004, reported on his final Canadian tax return prior to departure.

## Death of student or participant

If the LLP student dies and the student was not the participant, then the repayment schedule remains 10 years.

If the LLP participant dies, then any unpaid balance must be included in his or her income for the year of death. Any RRSP contributions made by the deceased can be designated as repayments. However, if at the time of death the participant had a spouse or common-law partner who is a Canadian resident, the spouse or common-law partner can elect, jointly with the deceased's legal representative, to take over the deceased's LLP balance. If the surviving spouse or common-law partner had his or her own outstanding LLP balance, then the deceased's balance will be added to the surviving spouse's or common-law partner's and will have to be repaid based on the surviving spouse's or common-law partner's schedule. Otherwise, the repayment schedule will be the same as the deceased's.

If the surviving spouse or common-law partner elects to make the repayments and the deceased had not made a repayment during the year of death, the CRA will not require a repayment for that year.

To make the election, the surviving spouse or common-law partner and the deceased's legal representative must jointly sign a letter and attach it to the deceased's tax return for the year of death. The letter must include:

- A statement that an election is being made to have the surviving spouse or common-law partner take over the unpaid balance of the LLP, and
- A statement that the income will not be included in the deceased's return

### Example Nine

Jack and Jane, who are spouses, both withdrew \$5,000 under the LLP in 2001 to fund Jane's education. Their repayment periods began in 2003, at which time they each made a \$500 repayment. In 2004, before any repayments had been made, Jane died. Jane's income inclusion for 2004 is \$4,500 ( $\$5,000 - \$500$ ). However, Jack and Jane's legal representative can elect to add Jane's outstanding LLP balance to Jack's, resulting in Jack having an outstanding balance of \$9,000 ( $\$5,000 - \$500 \times 2$ ), in which case the income will not be included on Jane's return.

## Conclusion

The LLP allows the participant to borrow money from his or her RRSP. The participant has the option to gradually repay his or her RRSP, so the tax deferral associated with his or her prior years' RRSP contributions is not lost. The LLP also allows the participant to spread the income inclusion over a number of years, instead of at the time of withdrawal. A combination of repayment and income inclusion may also be feasible.

Potential participants should keep in mind that they are losing the tax-deferred growth while the funds are not in the RRSP. If non-registered funds are available, they should generally be considered first unless there are negative tax consequences to doing so. However, for people who have most of their savings in their RRSPs, the LLP provides them with an opportunity to invest in their future.

We strongly recommend you consult your own tax advisor to understand the tax implications for your personal circumstances.

The information provided is general in nature and is provided with the understanding that it may not be relied upon as, nor considered to be, the rendering of tax, legal, accounting or professional advice. Readers should consult with their own accountants and/or lawyers for advice on the specific circumstances before taking any action.

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\*\*As at June 30, 2004

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