



Tax Litigation

In 1952, Stikeman Elliott became the first Canadian law firm with a specialized tax practice, and ever since, we have successfully acted on countless complex tax matters for Canadian and international clients, for both businesses and individuals. Stikeman Elliott has the expertise to defuse potentially litigious situations as a result of our long history of dealing with the Canadian and provincial tax authorities on behalf of our clients. This gives us an understanding of their personnel, practices and expectations. If litigation cannot be avoided, clients can rely on the firm's decades of experience representing clients on all tax-related matters and before all courts, bringing to the process our tax knowledge, credibility and reputation.

Our tax litigators have argued many of the leading cases that have defined important tax principles and had a lasting impact on Canadian tax law. Having been part of the evolution of tax law in Canada for 65 years, Stikeman Elliott litigators provide critical advice on novel structuring ideas with clients and can assess whether or not they would survive regulatory scrutiny. We also proactively assess and mitigate tax risks associated with commercial transactions and litigation and assist clients with voluntary disclosure programs relating to personal and commercial income tax, commodity taxes, pension and benefits, and employer social charges.

Our Expertise

- Commodity tax litigation
- Computation of income for tax purposes
- Customs and excise tax issues
- General anti-avoidance rule
- Income and revenue disclosures
- Income tax disputes
- Offshore continuances and dispositions of treaty protected taxable Canadian property
- Scientific research and experimental development

Recent Work

- *Canada v. Vaillancourt-Tremblay*, an appeal related to income tax aspects of a corporate reorganization.
- An independent petroleum refinery in the context of a highly complex matter involving the importation and sale of fuel in Canada and the application of Canadian commodity taxes (GST/HST, QST and fuel tax).
- *Copthorne Holdings Ltd. v. Canada*, an appeal before the Supreme Court of Canada related to the GAAR.
- A Canadian corporation in an appeal to the Tax Court of Canada involving the fair market value of shares transferred as part of a court-approved plan of arrangement.

- A Canadian manufacturer in an audit by the Canada Revenue Agency involving proposed transfer pricing adjustments and penalties relating to the deductibility of interest.
- A non-resident corporation in an appeal involving the application of the GAAR to dividends subject to Part XIII withholding tax.
- A major North American retailer in relation with tax consequences of a Canadian cross-border acquisition structure that were challenged by the Canada Revenue Agency.
- A large company managing loyalty programs in a judicial review of administrative decisions.
- A large multinational retail company in an appeal related to the GAAR.
- Multinational oil and gas companies in judicial reviews of Canadian tax authorities' audit powers.
- A multinational warranty service company in an appeal related to GST/HST.
- A large printing company in several Canadian jurisdictions in appeals related to interprovincial allocation of income.
- A multinational coffee company in an appeal related to the GAAR.
- A large telecommunication company in an appeal related to the GAAR.
- A car financial service company in an appeal related to Quebec capital tax.
- A multinational coffee company in an appeal related to the GAAR and foreign tax credits.
- An engineering company in an appeal related to SR&ED tax credits.