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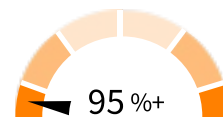
TAX FORESIGHT

NOTE: Tax Foresight uses predictive analytics based on your responses. This is not legal advice. See our terms of use.

Classifier: **Single vs. Multiple Supply**

Result: **Single supply**

Confidence: **95%+**



Single supply

Multiple supplies

Explanation of the Result

Introduction

As outlined in *O.A. Brown Ltd. v. The Queen*, 1995 CarswellNat 37 (TCC) and confirmed in *Calgary (City) v. Canada*, 2012 SCC 20, the characterization of a transaction including multiple elements as a single supply or multiple supplies depends on “the degree to which the [elements] are interconnected, the extent of their interdependence and intertwining, whether each is an integral part or component of a composite whole.” All of the facts and circumstances must be examined to determine the “true nature” of the transaction. Courts tend to analyze factors that can be grouped into considerations regarding the transaction mechanics, the use of the elements, and the supplier’s practices. In this case, the factors you have outlined would lead a court to find that the transaction consisted of a single supply. Let us explore the reasons why in turn.

Transaction

The mechanics of the transaction weigh strongly in favour of a single supply finding. You indicated that there was a single contract and a single charge for the transaction. Further, the recipient did not have the ability to decline to purchase an element or choose from a variety of options. Overall, the circumstances indicate that the elements are strongly interdependent and intertwined.

Use of Elements

The use of the elements indicates a very high degree of interdependence. For instance, you specified that the elements would not be useful if purchased separately. Further, the purpose of one element was to prepare for the use of the other, and one element was specifically designed to work with the other(s). Overall, these facts provide strong support for a single supply result.

Supplier’s Practices

The supplier’s practices provide strong support for a single supply result. You indicated that there was no legal or regulatory reason for the elements to be supplied together. Further, direct competitors do not sell either element independently. These facts suggest a high degree of interdependence consistent with a finding that the transaction comprised a single supply.

Similar Cases

Similar cases are listed below. The facts of each case are weighed by their influence on the outcome. Cases are then ranked by the similarity to your scenario. We provide the outcome in each case. Note that we have included cases from the United Kingdom and from Canada’s pre-1991 federal sales tax regime, all of which apply a similar single vs. multiple supply analysis.

Explanation of Data and Methodology



The set of facts you have provided have been compared to the facts of all previously reported cases by the courts on this legal question.

We use a combination of machine learning techniques and traditional rules-based approaches to provide insight. Our predictive analytics use machine learning algorithms to provide insight as to the likely answer to the set of facts assessed by Tax Foresight. Our machine learning algorithms have been trained on all of the available precedents.

Predictive analytics that depend on machine learning will also indicate how confident Tax Foresight is. The confidence level indicates the probability that Tax Foresight’s classification is the result that a court would reach. The higher the probability, the more confident we are that our algorithm has provided the correct likely classification. Low confidence indicates that the set of facts will be a close call.

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Cases With Similar Factors

#	Case Name	Result
1	Global Cash Access (Canada) Inc. v. The Queen, 2013 FCA 269	Single supply
2	Maritime Life Assurance Co. v. The Queen, 2000 CarswellNat 2166 (FCA)	Single supply
3	Zomaron Inc. v. The Queen, 2020 TCC 35	Single supply
4	Great-West Life Assurance Co. v. The Queen, 2015 TCC 225	Single supply
5	Canada Revenue Agency, GST Headquarters Letters, 131194, Services supplied related to a loan with respect to the purchase of a vehicle, (Ottawa, Canada Revenue Agency, 2012)	Single supply
6	Canada Revenue Agency, GST Headquarters Letters, 62492, Application of the GST/HST to point-of-sale terminal fees (Agreement 2)	Single supply
7	Canada Revenue Agency, GST Headquarters Letters, 98811, Payment of GST on group [life and health insurance] commission, (Ottawa, Canada Revenue Agency, 2012)	Single supply
8	Canada Revenue Agency, GST Headquarters Letters, 108590, [...] Co-branded card program, (Ottawa, Revenue Agency, 2011)	Single supply
9	Canada Trustco Mortgage Co. v. The Queen, 2004 TCC 792	Single supply
10	SLFI Group - Invesco Canada Ltd. v. The Queen, 2017 TCC 78	Single supply

How Cases With Similar Factors were identified



You have provided us with a set of facts that describe your client's situation. Our algorithms assess the proximity of the facts of your client's case to every other case decided by the courts. These algorithms indicate which precedents align most closely to your client's case. The cases with similar factors will vary with each set of facts.

References

#	Case Name or Reference	Result
1	Calgary (City) v. The Queen, 2012 SCC 20	Single supply
2	O.A. Brown Ltd. v. Canada, 1995 CarswellNat 37 (TCC)	Single supply
3	Hidden Valley Golf Resort Assn. v. The Queen. 2000 CarswellNat 1162 (FCA)	Single supply
4	Costco Wholesale Canada Ltd. v. The Queen, 2012 FCA 160	Multiple supplies
5	9056-2059 Québec Inc. c. The Queen, 2011 FCA 296	Multiple supplies
6	Polygon Southampton Development Ltd. v. The Queen, 2003 FCA 193	Single supply
7	Oxford Frozen Foods Ltd. v. The Queen, 1996 CarswellNat 2076 (TCC)	Single supply
8	Subsection 123(1): "supply"	Excise Tax Act
9	Section 165: Imposition of goods and services tax	Excise Tax Act

How the References were selected



References are those cases and authorities containing the principles, tests and considerations for the legal issue in question that judges continue to cite and apply in their current decisions. Because these sources are among the most important for each legal issue, the references remain the same for each scenario. If you think there is an important reference missing from this list, please let us know.