COURSE DESCRIPTION AND OBJECTIVES

This course will provide students with an opportunity to study tax policy and tax law in the global context, with specific reference to the Canadian experience. Topics covered will include:

- the historical development of international tax rules among sovereign states, sometimes described as an international tax “system”;
- the nature and extent of Canada’s international tax treaty network;
- tax jurisdiction and the concept of residence;
- Canadian taxation of inbound investment, including non-residents carrying on business in Canada;
- Canadian taxation of outbound investment, including through foreign corporations and trusts;
- international transfer pricing and other issues in international tax avoidance, particularly with respect to multinational enterprises;
- offshore tax evasion and global information exchange.

All of these topics will involve consideration of Canadian domestic law as well as the impact of tax treaties based on the OECD Model Tax Convention and, where relevant, the UN Model Treaty and the US Model Treaty. We will also consider recent OECD initiatives regarding “base erosion and profit shifting” (BEPS) and information sharing.

The course is intended to expose students to both the public law dimension and the private law dimension of international taxation. While it is not intended to be a course in the intricacies of international tax planning, the knowledge gained would be useful to students who wish to practice in that area.

TEACHING METHODOLOGY

This is principally a lecture course, although class participation is very much encouraged. There will also be class discussions to give students the opportunity to critically reflect on the issues surveyed and to apply what they have learned to hypothetical international tax problems.

EXPECTED EVALUATION METHODOLOGY (SUBJECT TO CHANGE)

Students can choose one of the following two evaluation options:

1. 20% mid-term assignment (take home, problem-based) and 80% major paper; or
2. 20% mid-term assignment (take home, problem-based) and 80% final exam (open book).

June 2018