

PST-38

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## THE PROVINCIAL SALES TAX ACT

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**READER**

### INFORMATION FOR NON-RESIDENT REAL PROPERTY AND SERVICE CONTRACTORS

This bulletin has been prepared to help you apply and report the Provincial Sales Tax (PST). It is a general guide and not a substitute for the legislation.

*Changes to this bulletin are indicated by a (I) in the left margin.*

The contents of this bulletin are presented under the following sections:

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#### **A. REGISTRATION AND REPORTING REQUIREMENTS**

Effective April 1, 2017, all non-resident contractors carrying on business in Saskatchewan, providing services to real property, are required to be registered with the Revenue Division as Licensed Vendors for the purpose of collecting and remitting PST on their sales of taxable services and reporting tax payable on supplies, equipment, vehicles and tools used in Saskatchewan.

Prior to April 1, 2017, contractors were issued Registered Consumer numbers. PST account numbers will no longer identify businesses as vendors or consumers; therefore, contractors with a Registered Consumer number will retain and use their existing number when reporting as a Licensed Vendor. Contractors not previously registered for PST are required to become licensed by completing and submitting the application form found at the following link:

<http://finance.gov.sk.ca/forms/FI-1213ApplicationforVendorsLicence-ConsumerRegistration.pdf>

**Note:** A resident contractor is defined as having a permanent place of business in Saskatchewan and includes having an established branch office with full time staff and complete accounting records for Saskatchewan operations. Resident contractors please see PST-12, *Information for Businesses Providing Services to Real Property*.

**B. COLLECTION AND REMITTANCE OF TAX**

Generally, PST must be collected on the invoice to the customer and remitted to the Ministry of Finance by the 20<sup>th</sup> of the following month (when filing monthly), regardless of whether the customer has paid their invoice/account in full.

For construction contracts where construction extends over a period of time, the written contract often calls for the purchaser to make progress payments as work on the project proceeds. These payments are not deposits and are usually for work completed, but may also be made in anticipation of work being completed.

The requirement for the collection of PST on progress payments aligns with the guidelines in place for the collection of GST. PST is collectible on each progress payment on the earlier of:

- the day the purchaser pays the progress payment, or
- the day the progress payment becomes due.

For further information regarding vendor responsibilities and tax return filing, please see Information Bulletin PST-5, *General Information*.

**C. SERVICES TO REAL PROPERTY**

Effective April 1, 2017, PST applies to services to real property. Taxable services include construction, alteration, repair, erection, demolition, remodeling, improvement, or any other service in relation to real property or a building or other structure on real property. Please see Section G for services that are exempt from PST.

The primary changes effective April 1, 2017, regarding the application of PST to real property services are as follows:

- Contractors performing services to real property are now licensed as vendors rather than consumers.
- Contractors are required to collect PST on the total charge to construct, alter, repair, erect, remodel or improve real property. Effective April 1, 2017, these charges, which were previously exempt from PST, become taxable and PST must be shown as a separate line item on the invoice to the customer.
- Contractors will purchase materials exempt from PST and collect the tax from their customer on the total contract, rather than paying PST on the purchase cost of the materials.

- Builders of residential or commercial premises for resale must collect PST on the retail selling price of the premises, excluding the value of the land.

A contractor engaged in services to real property is required to collect PST on the total charge to the customer for the services, including all related charges and fees such as charges for labour, materials, transportation, insurance, service fees, and any tax, levy or duty, other than the GST. PST must be shown as a separate line item on the invoice to the customer.

Contractors may purchase materials exempt from PST by quoting their vendor's licence number to their suppliers. Suppliers are required to access the PST On-Line Registry to verify that a business holds a valid PST vendor licence before selling the goods or services tax free for resale. If valid, the vendor number must be recorded on the invoice at the time of sale or retained in the supplier's records. The online registry is available 24/7 and may be accessed at the following link: <http://www.skpstregistry.gov.sk.ca/>.

Contractors may claim a credit for any PST that has been paid on materials sold or incorporated into a real property contract where PST is collected. Credits claimed will be subject to audit verification and can be used to reduce the tax reported and remitted.

When materials are taken from an exempt resale inventory for the contractor's own personal or business use, the PST must be self-assessed on the cost of the materials and remitted directly to Finance using the regular PST return form. PST continues to apply to new and used equipment, supplies/consumables and taxable services purchased for use in the contractor's business operations.

**Note:** For transition rules regarding services to real property please see Information Notice IN 2017-02, *Provincial Sales Tax – Services to Real Property* and IN 2017-17, *Land Development and Residential and Commercial Construction - Application of PST and Transition Rules*. These notices may be found at the following link:

<http://www.finance.gov.sk.ca/Bulletins/ProvincialSalesTaxBulletins>

#### **D. EQUIPMENT, MATERIALS AND CONSUMABLES**

Contractors and subcontractors acquiring materials that are resold or incorporated into a real property contract may purchase these items exempt from PST by quoting their vendor's licence number to their suppliers. This includes the following:

- Materials that are resold as part of the contract,
- Nails, screws, staples and other fasteners, and
- Materials such as dimensional lumber, plywood and similar building materials used on site for bracing or to build forms for use on a particular contract.

Contractors and subcontractors are required to pay PST on their purchase cost of consumables and on the purchase cost or lease/rental cost of equipment used in the completion of a real property contract. These items may not be purchased exempt from PST. Examples include:

- All equipment and hand tools
- Scrapers, pails, paint brushes, rollers, sleeves, trays and tape
- Cutting attachments for power and air tools, such as blades and drill bits

- Abrasives such as grinding wheels, sanding belts, discs and sandpaper
- Electrical cords and extension cords
- Gloves, safety glasses and coveralls
- Tarps and blankets

If PST is not collected by the supplier on the purchase of equipment and consumables, the contractor must self-assess and remit the tax directly to Finance using their regular PST return form.

**See Section I for the application of PST to equipment, vehicles and tools brought into Saskatchewan for use in completing contracts.**

#### **E. SUBCONTRACTORS**

Subcontractors are not required to collect PST on services provided to a contractor who is licensed as a vendor and indicates they are acquiring the subcontractor's service for resale, since the contractor will collect PST on the total charge to their customer. To purchase the services of the subcontractor without paying the PST, the contractor must quote their vendor's licence number to the subcontractor and the number must be recorded on the invoice.

#### **F. BUILDERS OF RESIDENTIAL OR COMMERCIAL PREMISES**

Builders of residential or commercial premises for resale are required to collect PST on the retail selling price of the premises, excluding the value of the land.

In these instances, the builder is not considered the consumer or user in the building of the premises, providing:

- (a) The premises are sold to the customer at fair market value;
- (b) The builder includes in the sale to the customer all materials and services to real property acquired and provided by the builder that form part of the value of the premises sold to the customer; and,
- (c) The premises remain in the builder's salable inventory and use of the premises does not change (i.e. the premises remains for sale by the builder and is not used, rented, or otherwise occupied.)

#### **G. EXEMPT SERVICES**

The following services are exempt from PST if they are provided separately and are not billed in connection with taxable services to real property. The contractor must pay PST on the laid-down cost of all equipment, materials and consumables used in providing these services.

- Collection, clearing and removal of garbage or debris from land that does not alter the land and does not form part of an otherwise taxable service such as a landscaping or demolition service,
- Snow clearing and snow removal services,

- Lawn & yard care services, including cutting, fertilizer or chemical application, aeration, thatching, mulching or mowing, and pruning,
- Pest control services,
- Septic services that involve emptying or pumping out sewage or effluent storage tanks,
- Services that are a primary farming activity, including land clearing, land levelling, land reclamation or other services provided to a farmer for the purpose of either expanding cultivated acreage to grow crops or expanding the land available to animals for forage or grazing, and
- Inspection or examination services completed:
  - For the purpose of providing a quote with respect to evaluating damages and estimating the cost of repairs,
  - As part of a general preventative maintenance schedule for the purpose of detecting or identifying potential repairs, and the repair or maintenance is completed separately from the inspection, not forming part of that inspection service,
  - For the purpose of ensuring that safety standards as required by law are met,
  - For the purpose of determining the remaining useful life of a component of tangible personal property that has been installed into real property
  - To monitor the operations of a plant or facility, or a processing activity, or to collect data for further analysis.

Non-resident contractors providing exempt services are required to obtain a Registered Consumer number for the purpose of reporting tax payable on materials, supplies, equipment, vehicles and tools used in Saskatchewan.

#### H. DEFINITION OF REAL PROPERTY

**Real property** includes land or buildings or property that is permanently attached to land or buildings. In general, goods become real property upon installation when affixed or attached to the land or building in a permanent manner (i.e. sunk into, cemented into, bolted to, built or framed into, plumbed or wired into, or otherwise secured), thereby becoming an integral component of the property. The goods become a permanent and substantial improvement to the real property, being attached to the building such that they add value and cannot be easily removed.

Examples of items that become real property when installed in a building or attached to land include windows, doors, light fixtures, furnaces, central air conditioners, railings, underground sprinklers, fences and plumbing materials.

In addition, items that are so large and heavy they cannot be moved may also be considered real property, even if they are not otherwise affixed to the land or a building. For example, most production machinery and equipment is considered to become real property after being permanently installed and becoming an integral component of a processing activity, regardless of being attached or affixed to the land or building.

## I. CALCULATION OF TAX ON EQUIPMENT, VEHICLES AND TOOLS

A non-resident contractor who brings equipment, vehicles and tools into Saskatchewan is required to pay PST by using one of the methods outlined below.

If equipment, vehicles and tools are purchased in Saskatchewan, the tax must be paid to the vendor at the time of purchase.

### (a) Depreciated value

- Calculate tax on the depreciated value of equipment, vehicles and tools.
- To determine depreciated value, straight-line depreciation of 1.5 per cent per month or part month to a maximum of 60 per cent is allowed from the date of purchase to the original date of entry into Saskatchewan. Depreciation applies to the contractor's original purchase price (excluding all taxes) before deduction of a trade-in.
- Calculate the tax on the full amount of any freight charges incurred on the first entry to bring the equipment, vehicles or tools into Saskatchewan.

#### Example:

A piece of equipment entered Saskatchewan for the first time on February 1, 2011. It was purchased on July 15, 2008 for \$80,000. The number of months or part months from the date of purchase to the date of first entry into Saskatchewan is 31; therefore, the purchase price will be depreciated by 46.5% (31 x 1.5%) or \$37,200. This results in a taxable value of \$42,800. The PST due is \$42,800 x tax rate. This is a one-time payment and you are not required to pay additional PST on this equipment upon re-entry into Saskatchewan.

### (b) Temporary use formulas

- (i) If a retail sales tax, other than Harmonized Sales Tax (HST) or Quebec Sales Tax (QST), has been paid in full to another jurisdiction the PST is determined as follows:
  - Calculate the tax on equipment, vehicles and tools on the contractor's original purchase price (excluding all taxes) **before** the deduction of a trade-in (no depreciation is allowed).
  - Remit 1/36 of the tax calculated above for each month or part month the equipment, vehicles, or tools are in Saskatchewan. Payment will continue for each 30 day period the unit enters the province until full tax (36/36) has been paid or the equipment, vehicles, or tools are permanently removed from Saskatchewan.
  - Calculate the tax on the full amount of any freight charges incurred to bring the equipment, vehicles or tools into Saskatchewan, once per 12 month period freight charges are incurred, until the equipment, vehicles and tools are fully tax paid.

Example:

A vehicle is brought into Saskatchewan from Manitoba on August 26, 2011, and is removed November 4, 2011. The original purchase price of the vehicle was \$45,000. Manitoba Retail Sales Tax was paid at the time of purchase.

The number of months or part months the vehicle was in Saskatchewan is three. The PST due is  $\$45,000 \times 1/36 \times 3 \times \text{tax rate}$ . Note that if the vehicle enters Saskatchewan again after November 24, 2011, additional tax will be due.

(ii) If a retail sales tax has **not** been paid in full to another jurisdiction, including where HST or QST was paid, the PST is determined as follows:

- Calculate the tax on equipment, vehicles and tools on the contractor's original purchase price (excluding all taxes) **before** the deduction of a trade-in (no depreciation is allowed).
- Remit 1/3 of the tax calculated above for each year or part year the equipment, vehicles or tools are in Saskatchewan. Payment will continue until full tax (3/3) has been paid or the equipment, vehicles, or tools are permanently removed from Saskatchewan.
- Calculate the tax on the full amount of any freight charges incurred to bring the equipment, vehicles or tools into Saskatchewan, once per 12 month period freight charges are incurred, until the equipment, vehicles and tools are fully tax paid.

Example:

A piece of equipment is brought into Saskatchewan from Alberta on August 6, 2010, and is removed January 25, 2011. The original purchase price of the equipment is \$120,000. A retail sales tax has not been paid on the equipment. The PST due is  $\$120,000 \times 1/3 \times \text{tax rate}$ . Note that if the equipment is brought into Saskatchewan again after August 5, 2011, the second 1/3 of the PST will be due.

(c) **Leased or rented units**

Leased or rented vehicles, equipment and tools brought into Saskatchewan are subject to tax on the total daily, weekly, monthly or yearly lease/rental charges, including financing, freight, maintenance charges etc., with no pro-ration allowed. For vehicles, equipment and tools leased or rented in Saskatchewan, the PST must be paid to the vendor at the time of lease/rental.

Example:

A piece of equipment is brought into Saskatchewan on September 1, 2011, and is removed October 10, 2011. It is leased for \$5000 per month. The number of months or part months the equipment is in Saskatchewan is two. The PST due is  $\$5000 \times 2 \times \text{tax rate}$ .

(d) **Employee Owned Vehicles**

**Note:** Company owned vehicles and vehicles plated personally by owners and directors of the company are subject to the methods outlined in (a) to (c) above.

Businesses are required to self-assess PST on reimbursement charges paid to employees for use of their vehicles in the following circumstance:

- a non-resident employee brings their personal vehicle into Saskatchewan;
- the vehicle is utilized in the performance of the contract (other than for personal transportation to the job site); and,
- the business reimburses the employee by some method.

**Note:** Vehicles registered inter-jurisdictionally for the transportation of goods or passengers will be subject to the Prorated Vehicle Tax at the time of registration and not the methods outlined above. If you require further information regarding the Prorated Vehicle Tax, please see PST-50, *Information for Interjurisdictional Carriers* or contact the Revenue Division at 1-800-667-6102.

**J. OUT OF PROVINCE REPAIR SERVICES**

Non-resident contractors are required to self-assess PST on repair services, including parts and labour, when in the course of carrying on business in Saskatchewan, equipment or component parts are shipped outside the province for repairs and subsequently returned. Freight charges in and out of the province related to these repairs are not subject to tax.

Repair services provided by a person to that person's employer for the sole use of the employer are not subject to tax.

**Note:** In province services for the repair and installation of tangible personal property are subject to tax. For further information, please see PST-57, *Information for Businesses Providing Repair and Installation Services*.

**K. FUEL TAX**

Saskatchewan fuel tax must be paid on all purchases or imports of gasoline and diesel fuel, except where specifically exempt under *The Fuel Tax Act, 2000*. No exemption is available in Saskatchewan for off-road use of these fuel products.

Every person who imports fuel in bulk (i.e. more than 200 litres) into Saskatchewan must either: (a) report and pay an amount equal to the tax that would be payable if the fuel had been purchased in Saskatchewan prior to the fuel entering Saskatchewan; or, (b) become a licensed importer, report monthly and make semi-monthly payments.

For further information on the Fuel Tax, please refer to FT-1, *General Information* and FT-7, *Information for Fuel Importers*.



**L. RETAIL SALES**

A contractor who makes supply only sales must collect tax from the customer on the retail selling price of the items sold and show PST collected on the customer's invoice. PST that was paid to the supplier or self-assessed on the cost of those goods may be deducted from the tax collected and the difference reported when submitting your tax return form. The contractor may purchase the materials exempt from PST by quoting their vendor's licence number to their Saskatchewan suppliers.

**M. SERVICES TO REAL PROPERTY ON INDIAN RESERVES**

Services to real property provided to Status Indians, Indian bands and non-commercial band-empowered entities are not subject to PST providing the services are performed on the reserve and the identification number shown on the *Certificate of Indian Status identification Card* or the band number is recorded on the invoice.

The complete 10 digit identification number must be recorded on the invoice. If the federal identification card number is only three to five digits, record the number and the name of the band on the sales invoice.

**N. BONDING AND THE CLEARANCE PROCESS**

Under Section 29 of *The Provincial Sales Tax Act*, non-resident and resident contractors carrying on business in Saskatchewan are required to post a guarantee bond or cash deposit in an amount equivalent to six per cent of the total amount to be paid under the contract with respect to the sale of:

- a taxable service related to real property; or,
- a taxable service related to real property where tangible personal property is installed in conjunction with a taxable real property service.

Non-resident contractors providing exempt or non-taxable services must also comply with this provision.

It is the responsibility of the principal to ensure that contractors comply with this provision. Failure to do so can leave the principal liable for any taxes which the contractor fails to remit, in addition to possible fines and penalties.

Alternatively, contractors required to demonstrate to a principal that their security obligation has been fulfilled can request a clearance letter from Finance. If approved, the letter obtained from Finance can be provided to the principal. It is recommended that principals maintain a holdback of six per cent until a clearance letter is provided or proof of bonding is obtained.

Before the final payment is made on a contract, the sub-contractor must obtain a clearance letter from the Revenue Division and provide a copy of the letter to the general contractor or principal. To obtain a clearance letter, please complete and submit the *Non-Resident Contractors Request for Contractors Clearance Form* located on our website at [www.finance.gov.sk.ca](http://www.finance.gov.sk.ca). Supplementary Worksheets are also available on our website to help you calculate the tax owing. If you require assistance with completing these forms, please

call 1-800-667-6102, extension 0956. If the contractor's account is **not** in good standing, the general contractor or principal will be requested to withhold from any hold back an amount equal to the tax due and remit this amount to the Revenue Division.

**O. SASKATCHEWAN ELECTRONIC TAX SERVICE (SETS)**

Finance has made it possible to report and remit tax electronically through the use of a standard Internet connection. The Saskatchewan Electronic Tax Service (SETS) offers a secure, fast, easy and convenient alternative to filing returns in paper format. Several E-File services are currently available through SETS.

Businesses may use SETS to file and pay returns for PST and other provincial taxes.

SETS allows businesses to:

- file and pay returns or make payments on account.
- file a return and post-date the payment to the due date.
- view account balance and statement information.
- authorize your accountant to file on your behalf.
- subscribe to an email notification service that allows the option to be notified by email that a tax return should be filed. This replaces the paper forms normally received in the mail.

**FOR FURTHER INFORMATION**

Write: Ministry of Finance  
Revenue Division  
PO Box 200  
REGINA SK S4P 2Z6

Telephone: Toll Free 1-800-667-6102  
Regina 306-787-6645

Email: sask.tax.info@gov.sk.ca

In-Person: Ministry of Finance  
Revenue Division  
2350 Albert St  
REGINA SK S4P 4A6

Fax: 306-787-9644

Internet: Bulletins, forms and information are available on the Internet at:  
<http://www.finance.gov.sk.ca/taxes>

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