



August 13, 2019

Yan David Payne
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Toronto, Ontario M3C 1Y8

Dear Sir/Madam:

RE: Douglas Charles Johnson
v. Her Majesty the Queen
2016-1775(IT)G

We enclose herewith a certified true copy of the Judgment/Order in the above-noted matter.

If you disagree with this decision, you may consult the "Court Process and Procedures" tab on our website at www.tcc-cci.gc.ca and select the option "Appeals of Tax Court of Canada Decisions". To obtain additional information you may contact the Registry of the Federal Court of Appeal at 1-800-565-0541.

Yours truly,

Kim Blais

For the Registrar

Encl.



Docket: 2016-1775(IT)G

BETWEEN:

DOUGLAS CHARLES JOHNSON,

Appellant,

and

HER MAJESTY THE QUEEN,

Respondent.

Appeal heard on May 27 and 28, 2019, at Toronto, Ontario
and decision rendered orally by telephone conference on
August 12, 2019, at Ottawa, Canada

Before: The Honourable Justice John R. Owen

Participants:

Counsel for the Appellant:

Karen J. Sanchez

Counsel for the Respondent:

Tokunbo Omisade

JUDGMENT

UPON HEARING the evidence and submissions of counsel for the Appellant and counsel for the Respondent;

IN ACCORDANCE with the reasons for judgment delivered orally by telephone conference on August 12, 2019 the appeal from the reassessments made under the *Income Tax Act* ("ITA") for the 2008, 2009, 2010 and 2011 taxation years, notices of which are dated September 18, 2014, and from the assessment made under the ITA for the 2012 taxation year, notice of which is dated May 20, 2015 is allowed on the following basis:

- a) the reassessments of the Appellant's 2008, 2009 and 2010 taxation years are vacated;

- b) the reassessment of the Appellant's 2011 taxation year is varied to delete the penalty imposed under subsection 163(2) of the ITA and to increase the rental expenses allowed to \$9,618; and
- c) the assessment of the Appellant's 2012 taxation year is varied to delete the penalty imposed under subsection 163(2) of the ITA.

As the Appellant has been successful for a majority of the taxation years and in respect of the assessment of penalties for all taxation years, costs are awarded to the Appellant in accordance with Tariff B of Schedule II of the *Tax Court of Canada Rules (General Procedure)*.

Signed at Ottawa, Canada, this 12th day of August 2019.

“J.R. Owen”

Owen J.

