

The Snowbird's Guide to U.S. & Canadian Taxes: Navigating Your Cross- Border Financial Journey



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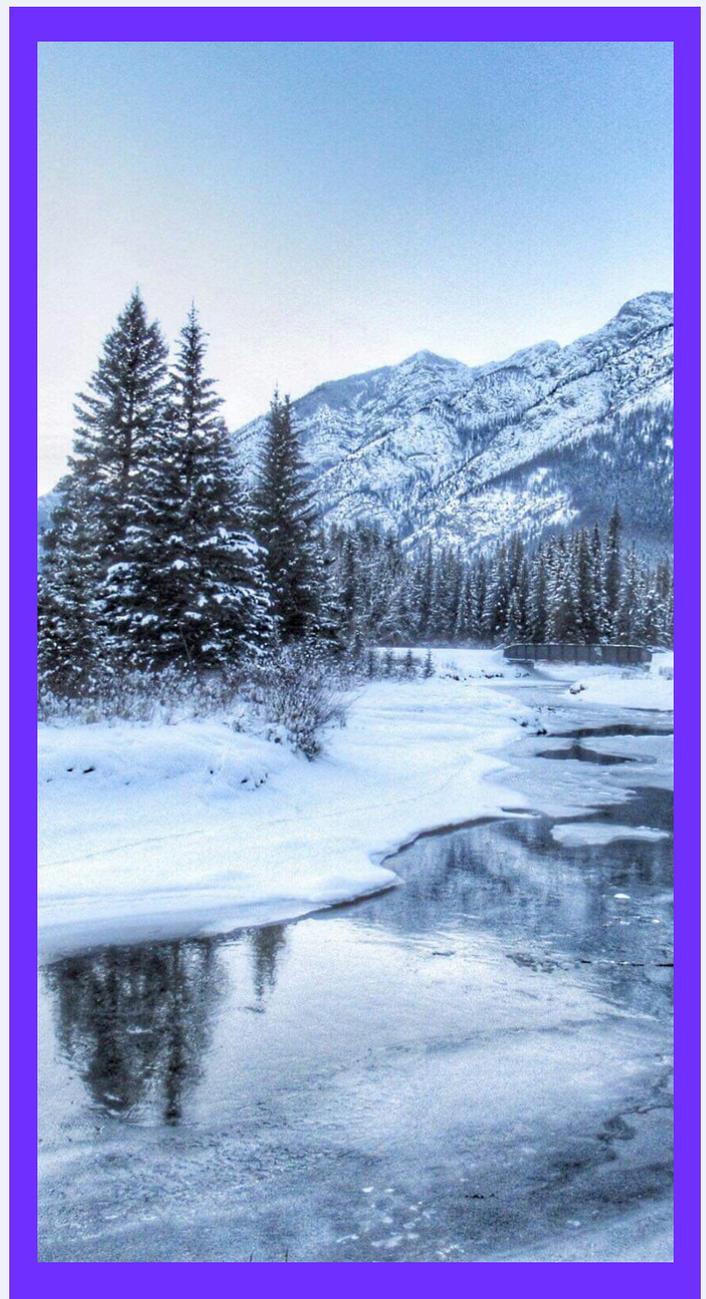
WELCOME, SNOWBIRDS

Welcome to the flock. You are part of a unique community of Canadians who have traded snow shovels for sandals, embracing a lifestyle that offers the best of both worlds. The decision to spend your winters in the warmth and sun of the United States is about more than just escaping the cold; it's about pursuing a vibrant, active, and fulfilling life.

We understand that your focus should be on tee times, beach walks, and connecting with friends and family—not on navigating the dense rulebooks of the Internal Revenue Service (IRS) and the Canada Revenue Agency (CRA). Yet, this cross-border lifestyle comes with a set of financial responsibilities that are often overlooked until they become a source of significant stress.

That is why we created this guide. Our purpose is to provide you with clarity and confidence, transforming your tax concerns from a daunting obstacle into a manageable and understandable part of your seasonal migration. This eBook is designed to be your resource, breaking down complex tax laws into simple, actionable steps. We will walk you through the essential tests, forms, and rules that every Canadian snowbird needs to know.

Consider this your roadmap to financial peace of mind. By understanding your obligations, you can protect your assets, avoid costly penalties, and ensure you remain in good standing with both U.S. and Canadian tax authorities. Let's turn tax anxiety into tax certainty, so you can get back to what truly matters: enjoying every moment of your well-deserved time in the sun.



CHAPTER

01

Are You a U.S. Resident for Tax Purposes?

The single most important question you must answer as a Canadian snowbird is not "Where is the best golf course?" but rather, "Am I considered a U.S. resident for tax purposes?" Your answer to this question is the foundation upon which all your U.S. tax obligations are built. It determines whether the IRS has the right to tax you on your worldwide income, just like a U.S. citizen, or only on specific income you earn from U.S. sources.

This chapter demystifies how the U.S. government makes this determination. It's not about where your heart is, or even where your primary home is located. It comes down to a specific mathematical formula: the Substantial Presence Test.

Understanding the Substantial Presence Test

The Substantial Presence Test is the IRS's primary method for determining if a non-citizen should be taxed as a U.S. resident. It is a formula based purely on the number of days you are physically present in the United States over a three-year period. If you meet the test, the IRS considers you a U.S. resident for tax purposes for that calendar year, unless you qualify for an exception (which we will cover in the next chapter).

You meet the Substantial Presence Test if you are physically present in the U.S. for at least:

1. **31 days during the current year**, AND
2. **183 days during the 3-year period** that includes the current year and the 2 years immediately before that.

However, calculating the 183 days is not as simple as adding up your days. The IRS uses a weighted formula.

Calculating Your Days of Presence: A Simple Formula

To determine your total for the 183-day rule, you must apply the following calculation:

- All days you were present in the current year (Count each day as a full day)
- Plus $\frac{1}{3}$ of the days you were present in the first year before the current year (Divide the number of days by 3)
-
- Plus $\frac{1}{6}$ of the days you were present in the second year before the current year (Divide the number of days by 6)

If the total from this calculation is 183 days or more (and you were in the U.S. for at least 31 days in the current year), you meet the Substantial Presence Test.

What counts as a "day"? A day of presence is any part of a day spent in the U.S. The only exceptions are for days you are merely in transit between two foreign points, days you are in the U.S. as a crew member of a foreign vessel, or days you are unable to leave due to a medical condition that developed while you were in the U.S. For most snowbirds, if you are in the U.S. at any point during a 24-hour period, it counts.

Examples in Action

Let's see how this works with a typical snowbird scenario.

Scenario: Robert the Snowbird

Robert spends time at his condo in Florida every winter. We want to see if he meets the Substantial Presence Test for the current year, 2026.

- **Days in 2026 (current year):** 120 days
- **Days in 2025 (previous year):** 125 days
- **Days in 2024 (two years prior):** 122 days

Here is Robert's calculation:

1. **Current Year (2026):** 120 days
2. **Previous Year (2025):** $125 \text{ days} / 3 = 41.67 \text{ days}$
3. **Two Years Prior (2024):** $122 \text{ days} / 6 = 20.33 \text{ days}$

Total Weighted Days = $120 + 41.67 + 20.33 = 182 \text{ days}$

In this scenario, Robert does not meet the Substantial Presence Test because his total is just under the 183-day threshold. He would be treated as a non-resident for U.S. tax purposes.

Now, let's adjust the numbers slightly.

Scenario 2: Maria the Snowbird

Maria also enjoys the warm U.S. winters. Let's calculate her status for 2026.

- **Days in 2026 (current year):** 125 days
- **Days in 2025 (previous year):** 125 days
- **Days in 2024 (two years prior):** 125 days

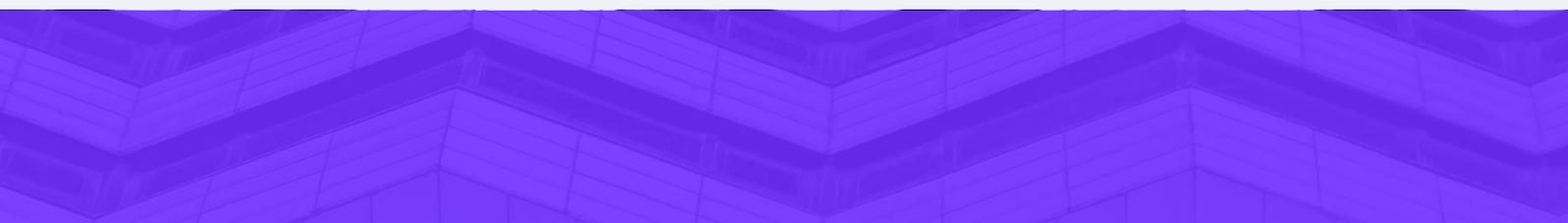
Here is Maria's calculation:

- **Current Year (2026):** 125 days
- **Previous Year (2025):** $125 \text{ days} / 3 = 41.67 \text{ days}$
- **Two Years Prior (2024):** $125 \text{ days} / 6 = 20.83 \text{ days}$

Total Weighted Days = $125 + 41.67 + 20.83 = 187.5 \text{ days}$

Because Maria was in the U.S. for more than 31 days in the current year and her three-year total exceeds 183 days, she meets the Substantial Presence Test. Without taking further action, the IRS will classify her as a U.S. resident for tax purposes for 2026.

This simple calculation is your first step toward tax clarity. Diligently tracking your days of presence is critical. As you can see from these examples, a few extra days can make all the difference. But what happens if you, like Maria, cross the 183-day threshold? Is U.S. tax residency inevitable? Fortunately, the answer is no. There is a powerful tool designed specifically for people in your situation, which we will explore next.



CHAPTER

02

The Closer Connection Exception (Form 8840)

If the Substantial Presence Test is the problem, then the Closer Connection Exception is the solution. This provision in the U.S. tax code is, without a doubt, the single most important tool in the Canadian snowbird's tax toolkit. It is the formal mechanism that allows you to tell the IRS: "Yes, I have spent a significant amount of time in your country, but my life—my home, my family, and my financial ties—remains firmly in Canada."

For snowbirds who meet the Substantial Presence Test but have no intention of becoming U.S. residents, understanding and correctly using this exception is not just advisable; it is essential. Filing Form 8840, the "Closer Connection Exception Statement for Aliens," is how you officially claim this exception and avoid being taxed as a U.S. resident.

What is the Closer Connection Exception?

The Closer Connection Exception allows an individual who meets the Substantial Presence Test to be treated as a non-resident of the United States for income tax purposes, provided they can prove they have stronger ties to a foreign country (in your case, Canada).

To qualify for the Closer Connection Exception for the current tax year, you must meet all of the following conditions:

1. You were present in the U.S. for fewer than 183 days during the current year.
2. You maintained a "tax home" in a foreign country (Canada) during the entire year.
3. You had a "closer connection" to that foreign country (Canada) than to the U.S. during the year.

The key here is that even if your weighted three-year total under the Substantial Presence Test is 183 days or more, you can still use this exception as long as your physical days in the U.S. in the current year are less than 183. For most snowbirds, who typically stay for four to five months, this condition is easily met.

Qualifying for the Exception: A Step-by-Step Guide

Filing Form 8840 is a proactive step. You must file it with the IRS by the due date for filing a U.S. non-resident tax return (Form 1040-NR), which is typically June 15 of the following year. You do not need to have any U.S. income to file Form 8840. Think of it as a preventative declaration.

Here is what is involved:

1. **Obtain Form 8840:** The form is readily available on the IRS website.
2. **Complete Personal Information:** This includes your name, address in Canada, and U.S. address.
3. **Confirm Eligibility:** The first part of the form asks you to confirm the basics: the country you claim a closer connection to (Canada), the number of days you were present in the U.S. during the last three years, and whether you have an application pending for a U.S. green card.
4. **Provide Evidence of Your Closer Connection:** This is the core of the form. You will be asked a series of questions to demonstrate that your life is centered in Canada.

Defining Your "Tax Home" and "Closer Connection"

The IRS does not provide a rigid definition of "tax home" or "closer connection." Instead, it looks at the totality of your circumstances. You must demonstrate that the center of your life remains in Canada. The evidence is built by looking at several significant factors:

- **Location of your permanent home:** This is the residence you own or rent and return to, where you keep personal belongings.
- **Location of your family:** Where does your spouse and/or minor children live?
- **Location of personal belongings:** Where do you keep your furniture, car, and items of sentimental value?
- **Location of social, political, cultural, or religious organizations:** Where are you a member of a community club, church, or other group?
- **Location of your bank accounts:** The country where you maintain your primary banking relationships.
- **Location where you conduct business activities** (other than those that constitute your tax home).
- **Jurisdiction where you hold a driver's license.**
- **Jurisdiction where you vote.**
- **Country of residence you designate on forms and documents.**

You do not need to satisfy every single factor. However, the evidence should paint a clear and convincing picture that your life is fundamentally based in Canada, and your time in the U.S. is temporary. For the vast majority of Canadian snowbirds, proving these connections is straightforward.

By filing Form 8840 correctly and on time, you are taking control of your tax status. You are officially informing the IRS that, despite your presence, you should be treated as a non-resident alien. This simple form is your shield against being subject to U.S. tax on your worldwide income, making it one of the most powerful and important documents you will



CHAPTER

03

Some U.S. Tax Obligations for the Non-Resident Snowbird

Successfully establishing yourself as a non-resident for U.S. tax purposes is a major victory. It means you are not subject to U.S. tax on your worldwide income, including your Canadian pensions, investments, and other income sources. However, it does not mean you are completely free of all U.S. tax obligations.

As a non-resident, your U.S. tax responsibilities are limited to income generated from U.S. sources. For many snowbirds, this may mean you have no U.S. tax to pay. But for others, particularly those who own property or conduct other financial activities in the U.S., there are important rules to follow.

Common U.S.-Sourced Income for Snowbirds

Let's look at the most common types of U.S.-sourced income that may apply to you:

- **Rental Income from a U.S. Property:** If you rent out your U.S. condo or home when you are not using it, that rental income is considered U.S.-sourced and is subject to U.S. tax. There are specific rules about how this income is taxed, and you are allowed to claim deductions for expenses related to the rental (like mortgage interest, property taxes, maintenance, and depreciation). We will dive deeper into this in Chapter 5.
- **Gain from the Sale of U.S. Real Estate:** When you sell a U.S. property, any profit or gain you realize is subject to U.S. tax. This transaction falls under the Foreign Investment in Real Property Tax Act (FIRPTA), which comes with a significant withholding tax at the time of sale. This is a critical area for planning, also covered in more detail in Chapter 5.
- **Other Income:** While less common for typical snowbirds, other U.S.-sourced income can include wages for services performed in the U.S., gambling winnings from U.S. sources, or certain investment income.

Getting Your Individual Taxpayer Identification Number (ITIN)

Before you can file a U.S. tax return, you need a taxpayer identification number. Since you are not eligible for a Social Security Number (SSN), you must apply for an Individual Taxpayer Identification Number (ITIN).

An ITIN is a nine-digit number issued by the IRS for tax processing purposes only. It does not grant you the right to work in the U.S. or receive Social Security benefits. You will need an ITIN to:

- File a U.S. tax return (like Form 1040-NR).
- Claim a reduced rate of withholding on the sale of a property.
- Be claimed as a dependent on a U.S. tax return.

To get an ITIN, you must submit Form W-7, "Application for IRS Individual Taxpayer Identification Number," along with proof of your foreign status and identity (such as a valid passport). The application is typically submitted at the same time you file your first U.S. tax return. The process can be complex, and ensuring your documentation is correct is crucial to avoid delays.

Filing Form 1040-NR: The Basics

If you have U.S.-sourced income that requires you to file a tax return, you will use Form 1040-NR, "U.S. Nonresident Alien Income Tax Return." This form is specifically designed for non-residents.

Key points about filing a 1040-NR:

- **Reporting Income:** You only report your income that is "effectively connected" with a U.S. trade or business (like rental income) or other fixed, determinable, annual, or periodical (FDAP) income from U.S. sources.
- **Deductions:** You can only claim deductions related to the income you are reporting. You are generally not eligible for the standard deduction that U.S. residents can take.
- **Filing Deadline:** The due date for a 1040-NR is typically June 15 of the year following the tax year. This is different from the April 15 deadline for U.S. residents.

Navigating the rules for U.S.-sourced income, obtaining an ITIN, and filing a 1040-NR can feel intimidating. However, understanding that these obligations are limited and specific is the first step. By identifying whether you have U.S. income, you can determine if these steps are necessary and plan accordingly.

CHAPTER

04

Canadian Tax Considerations While You're Away

While much of your focus may be on U.S. tax rules during your time away, it is crucial not to lose sight of your obligations back home. Your relationship with the Canada Revenue Agency (CRA) continues, and maintaining your status as a Canadian resident for tax purposes is paramount. This chapter reassures you about your Canadian duties and highlights key considerations to ensure a smooth financial journey on both sides of the border.

Maintaining Your Canadian Tax Residency

One of the most common worries for snowbirds is whether spending several months in the U.S. could jeopardize their Canadian tax residency. For the vast majority, the answer is a comforting no. Canada determines residency based on significant residential ties. These include:

- **A home in Canada:** Whether you own or rent, having a dwelling available to you in Canada is a primary tie.
- **A spouse or common-law partner in Canada.**
- **Dependents in Canada.**

As long as you maintain these primary ties, along with secondary ties like Canadian bank accounts, a driver's license, provincial health insurance, and social connections, you will almost certainly remain a Canadian resident for tax purposes. This is, in fact, the basis for your "closer connection" argument with the IRS. You cannot claim a closer connection to Canada if you are not, in fact, a Canadian resident.

Reporting Worldwide Income to the CRA

As a Canadian resident, you are required to report your worldwide income to the CRA on your annual Canadian tax return (T1). This does not change just because you are out of the country for part of the year.

Your worldwide income includes:

- Pension income (OAS, CPP, private pensions).
- Investment income from Canadian and foreign sources.
- Any U.S.-sourced income you may have earned (like rental income from your Florida condo).

Filing your Canadian tax return on time remains a mandatory obligation. The due date is April 30 of the following year. Being physically outside of Canada is not a valid reason for filing late. Fortunately, with online tax software and the ability to file electronically, this is easier than ever to manage from abroad.

Provincial Health Coverage and Extended Absences

While not a tax issue, provincial health coverage is a critical financial consideration tied to your residency. Each province and territory has its own rules regarding how long you can be absent before your health coverage is at risk.

For example, most provinces allow you to be away for approximately six to seven months in any 12-month period and still maintain your coverage. However, it is essential to verify the specific rules for your home province. In some cases, you may need to apply for a waiver for a longer absence. Losing your provincial health coverage is not only a health risk but can also impact the assessment of your Canadian residency ties. Always check with your provincial ministry of health before planning an extended stay.

The Foreign Tax Credit: Avoiding Double Taxation

If you earned U.S.-sourced income and paid tax on it to the IRS, you might be worried about paying tax on that same income again in Canada. This is where the Foreign Tax Credit comes in.

The Canada-U.S. Tax Treaty is designed to prevent double taxation. The Foreign Tax Credit allows you to claim a credit on your Canadian tax return for the income taxes you paid to the U.S. government.

How it works:

1. You earn U.S.-sourced income (e.g., \$10,000 in rental income).
2. You file a U.S. 1040-NR return and pay, for example, \$1,500 in tax to the IRS.
3. You report the \$10,000 of rental income on your Canadian T1 return.
4. You then claim a foreign tax credit of up to \$1,500 on your Canadian return, which directly reduces your Canadian tax payable.

CHAPTER

05

Owning U.S. Property: Beyond the Purchase

For many Canadian snowbirds, the dream of owning a piece of the sun-drenched south is a reality. A condo, villa, or house in the U.S. is more than just a place to stay; it's a home away from home. However, owning U.S. real estate brings a unique set of financial responsibilities that extend far beyond the initial purchase price and annual property taxes.

This chapter delves into the specific U.S. tax implications of owning, renting, and eventually selling your U.S. property. Understanding these rules is essential for protecting your investment and avoiding unwelcome financial surprises.

Earning Rental Income: Rules and Deductions

Renting out your U.S. property while you are back in Canada can be a great way to offset the costs of ownership. However, this rental income is U.S.-sourced and must be reported to the IRS. There are two ways this income can be taxed:

- **The 30% Flat Tax Method:** By default, the IRS requires a 30% withholding tax on the gross rental income. The renter or property manager is responsible for remitting this amount to the IRS. This method is simple but often unfavorable because it does not allow you to claim any deductions for your expenses.
- **The Net Rental Income Method (The "Election"):** A much better option is to make an election with the IRS to treat the rental income as "Effectively Connected Income" (ECI). This allows you to file a Form 1040-NR tax return and report your net rental income—that is, your gross rents minus all your eligible expenses.

By making this election, you can deduct a wide range of expenses associated with the rental property, including:

- Mortgage interest
- Property taxes
- Insurance
- Utilities
- Maintenance and repair costs
- Property management fees
- Depreciation (an allowance for the wear and tear on the property)

This approach almost always results in a significantly lower tax bill than the 30% flat tax method. It requires you to obtain an ITIN and file an annual U.S. tax return, but the tax savings make it well worth the effort.

Selling Your Property: Understanding FIRPTA

When the time comes to sell your U.S. property, you will encounter the Foreign Investment in Real Property Tax Act (FIRPTA). This U.S. law was created to ensure that foreign owners pay tax on the profit (capital gain) from the sale of U.S. real estate.

Under FIRPTA, when a non-resident sells a U.S. property, the buyer is required to withhold a percentage of the gross sales price and remit it to the IRS. The default withholding rate is 15%.

Example: If you sell your U.S. condo for \$400,000, the buyer must send \$60,000 (15% of \$400,000) to the IRS.

This is not the final tax you owe; it is a prepayment. The actual tax is calculated on your capital gain (the sales price minus your original purchase price and costs). To get a refund of the excess withholding, you must file a U.S. tax return (Form 1040-NR) to report the sale and calculate the correct tax.

In some cases, you can apply for a Withholding Certificate from the IRS before the sale closes to reduce or eliminate the withholding amount if you can show that the final tax will be less than the 15% withholding. This requires careful planning and timely submission of Form 8288-B.





A Primer on U.S. Estate Taxes for Non-Residents

This is one of the most misunderstood and potentially costly issues for Canadian owners of U.S. property. Unlike in Canada, the U.S. has an estate tax. For non-resident aliens, this tax applies to their "U.S. situs assets"—assets located in the U.S. This includes U.S. real estate, stocks in U.S. corporations, and other tangible property.

The critical difference is the exemption amount. While U.S. citizens have a very large exemption (over \$15 million as of 2026), the exemption for non-resident aliens is only **\$60,000 USD**

This means that if a Canadian who is not a U.S. citizen passes away owning a U.S. property valued at more than \$60,000, their estate may be liable for U.S. estate tax on the value exceeding that amount. The tax rates are progressive and can be as high as 40%.

The Canada-U.S. Tax Treaty provides some relief by offering a credit that can increase the effective exemption, but navigating these rules is complex. Proper estate planning, which may involve how the property is titled (e.g., joint tenancy, cross-border trusts), is crucial to mitigate or eliminate this potentially significant tax liability. Ignoring U.S. estate tax is one of the most expensive mistakes a Canadian snowbird can make.

CHAPTER

06

Common Pitfalls and Costly Mistakes to Avoid

Knowledge is your best defense against tax trouble. Over the years, we have seen well-intentioned snowbirds make simple mistakes that lead to significant stress, penalties, and financial loss. This chapter is designed as a practical, preventative checklist to help you proactively protect yourself. By being aware of these common pitfalls, you can navigate your cross-border journey with greater confidence.

A Proactive Checklist for a Smooth Journey

Think of this as your "what not to do" list. Avoiding these errors will keep you in good standing with both the IRS and the CRA

1. Miscalculating Your Days of Presence

This is the most fundamental error. Many snowbirds either don't track their days at all or use a simple "under 183 days a year" rule of thumb, failing to account for the three-year weighted formula of the Substantial Presence Test.

- **The Mistake:** Spending just a few too many days in the U.S. over a three-year period, inadvertently meeting the Substantial Presence Test without realizing it.
- **How to Avoid It:** Keep a meticulous log of your entry and exit dates. Use a spreadsheet or a dedicated app. Recalculate your three-year total before each trip to see how many days you have available. Remember that any part of a day counts as a full day.

2. Forgetting to File Form 8840 (or Filing it Late)

Meeting the Substantial Presence Test is not a disaster, but failing to file Form 8840 to claim the Closer Connection Exception is. This form is your official declaration to the IRS that you remain a non-resident.

- **The Mistake:** Assuming that because you have no U.S. income and your life is in Canada, you don't need to file anything. If you meet the Substantial Presence Test, the IRS will automatically assume you are a U.S. resident unless you tell them otherwise.
- **How to Avoid It:** If you meet the Substantial Presence Test, make filing Form 8840 an annual, non-negotiable task. The deadline is June 15 of the following year. Set a calendar reminder. There is no penalty for filing it, but the penalty for not filing it (and being deemed a U.S. resident) can be immense.

3. Overlooking U.S. Income Sources

Many snowbirds who rent out their U.S. property, sometimes informally to friends or family, don't realize this constitutes taxable U.S. income.

- **The Mistake:** Thinking that small amounts of rental income or "cash" payments don't need to be reported. The IRS considers all U.S.-sourced income reportable. Failure to report can lead to back taxes, interest, and penalties.
- **How to Avoid It:** If you receive any money for the use of your U.S. property, assume it is taxable. Keep detailed records of income and all related expenses. Make the election to be taxed on net rental income and file your Form 1040-NR each year.

4. Ignoring U.S. Estate Tax Exposure

This is perhaps the most financially dangerous oversight. Many Canadians are unaware that their U.S. assets (like a condo or U.S. stocks) are subject to U.S. estate tax with a very low \$60,000 exemption.

- **The Mistake:** Assuming that because Canada has no estate tax, their heirs will have no issues. The passing of a Canadian owner can trigger a massive and unexpected U.S. tax bill for the estate, potentially forcing the sale of the property to pay the tax.
- **How to Avoid It:** Proactively engage in cross-border estate planning. Discuss with a qualified professional how your U.S. assets are titled. Explore options like joint tenancy with right of survivorship (with a spouse) or specialized cross-border trusts that can help minimize or eliminate U.S. estate tax exposure. Planning for this while you are healthy is far easier and more effective than dealing with it after a death.

By steering clear of these common mistakes, you are not just following the rules—you are actively managing your financial well-being and preserving the lifestyle you have worked so hard to build.

Travel with Confidence

Your journey as a Canadian snowbird is one of freedom, discovery, and well-earned relaxation. The complexities of cross-border taxation, while seemingly formidable, do not have to cast a shadow over that journey. As we have explored throughout this guide, managing your U.S. and Canadian tax obligations is an entirely achievable goal.

The key lies in awareness and proactive planning. By understanding the Substantial Presence Test, you can manage your time in the U.S. strategically. By using Form 8840, you can maintain your non-resident status even if you spend considerable time south of the border. By correctly reporting any U.S.-sourced income and planning for the eventual sale of your property, you protect your assets from costly penalties. And by never losing sight of your Canadian tax residency and the looming issue of U.S. estate tax, you ensure a secure financial future for yourself and your loved ones.

These are not insurmountable hurdles; they are simply steps in a process. A process that, once understood, can be managed with confidence and clarity. Our goal with this guide has been to empower you with the foundational knowledge you need to transform tax anxiety into informed action. With the right information and a solid plan, you can shift your focus from worrying about the IRS to enjoying the warmth of the sun.

Travel with the confidence that comes from knowing your financial affairs are in order. Embrace the snowbird lifestyle to its fullest, secure in the knowledge that you have taken the necessary steps to make it sustainable for years to come.

At **Brij Professional Corporation**, we are more than just accountants; we are dedicated partners for Canadians navigating the complexities of U.S. taxation. We understand that your life isn't confined to one side of the border, and your financial strategy shouldn't be either. Our expertise is built on years of experience helping individuals, just like you, manage their cross-border tax obligations with precision and peace of mind.

We believe that expert advice should be both professional and approachable. Our empathetic approach means we listen to your unique situation, explain complex rules in clear, understandable terms, and build a strategy tailored to your specific needs. From filing Form 8840 and U.S. rental income returns to providing strategic advice on property sales and cross-border estate planning, we are here to ensure your financial journey is smooth and secure.

[Contact Us](#)

BRIJ

hello@brij.tax

(855) 274-5829

www.brij.tax

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Consider discussing your specific circumstances with an appropriate specialist.