

**Money Talks**

**Keep records of U.S. gambling wins or losses – you may be able to claim it**

Did you win money in the U.S. last year? If so, you may have had U.S. tax deducted from those winnings. And you may be wondering whether you can get it back.

Until 1996, there was usually no tax relief available in such cases. However, the new Canada-U.S. tax treaty

has changed some of the rules. As a result, you may be able to obtain a refund of some or all of the tax withheld for 1996 and later years. New Article XXII(3) of the treaty allows non-residents to deduct gambling losses from gambling winnings in the same way as residents.

This means that tax is payable only on the net amount, not the gross amount of your winnings.

However, to take advantage of this provision, you must be able to prove the amount of your losses. This means you must keep an accurate diary of your losses and winnings and save all your gambling receipts, tickets and statements.

Since proceeds from blackjack, baccarat, craps, roulette, or Big-6 wheel are not taxable to non-residents, any wagering losses incurred from these games may not be claimed.

However, you may claim losses from keno, slot machines, table games (poker, wheel of fortune, etc.), bingo, racing, and lotteries.

To substantiate your losses, you must keep a diary which includes the following information: the date and type of your specific wager or wagering activity, the name and address of the gambling establishment, the names of other persons present with you at the gambling establishment and the amounts you won or lost.

In addition, you should keep all supporting documentation, such as wagering tickets, cancelled cheques, credit records, bank withdrawals, and statement of actual winnings or payments slips provided to you by the gambling establishment.

Losses can only be deducted to the extent of your wagering gains during the year, and may be claimed on the 1996 non-resident tax form 1040NR.

As a U.S. non-resident, there is no other way to obtain a legal refund of taxes withheld. Therefore, when you head south for some gambling fun, you may wish to keep a diary and save all your gambling receipts, just in case you hit the jackpot. While you may not want a reminder of your losses, it may save you some taxes if you win later on.

**This article was submitted by Stouffville and Uxbridge H&R Block and Helen Davis.**

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