

# Monthly Tax Update Newsletter

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## TRUST FILINGS – DINING, RECREATION OR SPORTING FACILITIES (8417)

When a **non-profit organization** (NPO) provides **dining, recreational or sporting facilities** to their members, a **trust** is deemed to exist and is subject to tax on property income and certain capital gains (Subsection 149(5)). Such trusts are referred to below as 149(5) trusts.

An August 27, 2025 **Technical Interpretation** ([2025-105746](#), D. Dannehl) considered whether **Schedule 15, Beneficial Ownership Information of a Trust**, must be filed in respect of these 149(5) trusts.

CRA stated that a 149(5) trust would be a trust created **without express intent**. A trust created without express intent is **only required to file a T3 return** for December 31, 2023 and later taxation years if one of the **historical requirements** is met, such as disposing of capital property or having tax payable (Subsection 150(1.1)).

If a T3 return is required, **Schedule 15** must also be **filed unless** the non-express trust is a **listed trust** (Paragraphs 150(1.2)(a)–(o)). An NPO (Paragraph 149(1)(l)) is one form of listed trust (Paragraph 150(1.2)(e)). CRA opined that 149(5) trusts are **not** themselves **NPOs**, therefore this **exception** is **not applicable**.

*whether Schedule 15 is required*

In respect of **settlers and beneficiaries**, CRA confirmed that the rules that deem there to be a trust (Subsection 149(5)) also **deem** certain parties to be **trustees**, but do **not deem parties to be settlers or beneficiaries**. Thus, for reporting purposes, Schedule 15 would include information solely in respect of the deemed trustees. CRA did not comment on whether information on persons that have the ability (through the terms of the trust or a related agreement) to exert influence over trustee decisions regarding the appointment of income or capital of the trust would be required.