


Limitation on Benefits and Treaty Statement

Beneficial Owner's claim for reduced rates of withholding under the Canada-U.S. tax treaty

This form can **ONLY** be used by legal entities that are Canadian residents.

For legal entities that are non-Canadian residents or when claiming Special Rates and Conditions, complete the **W8-BEN-E** form.

Legal Entity Name (herein after referred to as "The Entity")														
<p>"The Entity" meets all the provisions of the Canada-U.S. Tax Convention (herein after referred to as the "Treaty") that are necessary to claim a reduced rate of withholding, including any limitation on benefits provisions, and derives the income within the meaning of section 894 of the Internal Revenue Service Income Tax Code, and the regulations thereunder, as the beneficial owner.</p> <p>"The Entity", a resident of Canada, meets the requirements of the limitation on benefits provision in the "Treaty" on the basis that one of the following categories applies (Please only check one box below):</p> <p>Please refer to the <i>Limitation on Benefits Treaty Instructions</i> section listed below for more information.</p>														
<table border="0"> <tr> <td><input type="radio"/> 01 Estate – Art XXIX A, para 2(f)</td> <td><input type="radio"/> 07 Company that meets the ownership and base erosion test</td> </tr> <tr> <td><input type="radio"/> 02 Government</td> <td><input type="radio"/> 08 Company that meets the derivative benefits test</td> </tr> <tr> <td><input type="radio"/> 03 Tax exempt pension trust or pension fund</td> <td><input type="radio"/> 09 Company with an item of income that meets active trade or business test</td> </tr> <tr> <td><input type="radio"/> 04 Other tax exempt organization</td> <td><input type="radio"/> 10 Favorable discretionary determination by the U.S. competent authority received</td> </tr> <tr> <td><input type="radio"/> 05 Publicly traded corporation</td> <td><input type="radio"/> 11 Other (specify Article and paragraph): _____</td> </tr> <tr> <td><input type="radio"/> 06 Subsidiary of a publicly traded corporation</td> <td></td> </tr> </table>			<input type="radio"/> 01 Estate – Art XXIX A, para 2(f)	<input type="radio"/> 07 Company that meets the ownership and base erosion test	<input type="radio"/> 02 Government	<input type="radio"/> 08 Company that meets the derivative benefits test	<input type="radio"/> 03 Tax exempt pension trust or pension fund	<input type="radio"/> 09 Company with an item of income that meets active trade or business test	<input type="radio"/> 04 Other tax exempt organization	<input type="radio"/> 10 Favorable discretionary determination by the U.S. competent authority received	<input type="radio"/> 05 Publicly traded corporation	<input type="radio"/> 11 Other (specify Article and paragraph): _____	<input type="radio"/> 06 Subsidiary of a publicly traded corporation	
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Name of Authorized person	 Signature of Authorized person	Date (mm-dd-yyyy)												
Limitation on Benefits Treaty Instructions														
<p>Each of the tests is summarized below for your convenience, but may not be relied upon for making a final determination that the entity is a Qualifying Person for the purpose of the Limitation on Benefits rules. Rather, you must check the text of the Limitation on Benefits article itself, to determine which tests are available under the Treaty and the particular requirements of those tests. See Table 4, Limitation on Benefits, at https://www.irs.gov/individuals/international-taxpayers/tax-treaty-tables, for a summary of the major tests within the Limitation on Benefits article that are relevant for documenting any entity's claim for Treaty benefits. See also the Canada-US Tax Treaty: https://www.irs.gov/pub/irs-trty/canada.pdf and the 2007 Canada-US Tax Treaty Protocol: https://www.treasury.gov/resource-center/tax-policy/treaties/Documents/Treaty-Protocol-Canada-9-21-2007.pdf.</p> <p>01 Estate: Estate domiciled in Canada, not including a Testamentary Trust.</p> <p>02 Government: "The Entity" is the Contracting State, political subdivision, or local authority.</p> <p>03 Tax-exempt pension trust or pension fund: The Entity is generally required to have more than half of its beneficiaries or participants be residents of Canada.</p> <p>04 Other tax-exempt organization: The Entity is generally required to have more than half of its beneficiaries, members, or participants of religious, charitable, scientific, artistic, cultural, or educational organizations be residents of Canada.</p> <p>05 Publicly-traded corporation: The Entity is generally required to have the corporation's principal class of shares primarily and regularly traded on a recognized stock exchange in Canada, while other treaties may permit trading in either the United States or the treaty country, or in certain third countries if the primary place of management is in Canada.</p> <p>06 Subsidiary of publicly-traded corporation: The Entity is generally required to have more than 50% of the vote and value of the company's shares owned, directly or indirectly, by five or fewer companies that are publicly-traded corporations and that they themselves meet the publicly-traded corporation test, as long as all companies in the chain of ownership are resident in either the United States or Canada.</p> <p>07 Company that meets the ownership and base erosion provision: The Entity is generally required to have more than 50% of the vote and value of the company's shares owned, directly or indirectly, by individuals, governments, tax-exempt entities, and publicly-traded corporations resident in Canada, as long as all companies in the chain of ownership are resident in Canada, and less than 50% of the company's gross income is accrued or paid, directly or indirectly, to persons who would not be good shareholders for purposes of the ownership requirements.</p> <p>08 Company that meets the derivative benefits provision: this provision is generally limited to NAFTA, EU, and EEA country treaties, and may apply to all benefits or only to certain items of income (interest, dividends, and royalties). It generally requires that more than 95% of the aggregate vote and value of the company's shares be owned, directly or indirectly, by seven or fewer equivalent beneficiaries (ultimate owners who are resident in an EU, EEA, or NAFTA country and are entitled to identical benefits under their own treaty with the United States under one of the ownership tests included within the LOB article (other than the stock ownership and base erosion test)). Additionally, the claimant is required to have less than 50% of the company's gross income paid or accrued, directly or indirectly, to persons who would not be equivalent beneficiaries.</p> <p>09 Company with an item of income that meets the active trade or business: The Entity is generally required to be engaged in an active trade or business in Canada, that its activities in this country be substantial in relation to its U.S. activities, if the payer is a related party, and the income be derived in connection to or incidental to that trade or business.</p> <p>10 Favorable discretionary determination received: The Entity is generally required to obtain a favorable determination granting benefits from the U.S. competent authority that, despite the company's failure to meet a specific objective LOB test in the applicable treaty, it may nonetheless claim the requested benefits. Unless a treaty or technical explanation specifically provides otherwise, a claimant may not use this LOB code while its claim for discretionary benefits is pending.</p> <p>11 Other: Any other provision under the LOB article of the Treaty.</p>														