

Account number	Advisor code
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Written Trust/Estate Account Application

A Account information			
Legal Entity Name			
Trustee name			
Trustee address			
Co-Trustee name (as applicable)			
Co-Trustee address			
B Account type (Select one account type. See Account type descriptions)			
<input type="radio"/> Grantor Trust (Account will be treated as a 100% flow-through to the Grantor(s))			
<input type="radio"/> Grantor is alive and is not a U.S. Person* Trustee must complete a:		<input type="radio"/> Grantor is alive and is a U.S. Person* Trustee must complete a:	
<ul style="list-style-type: none"> • CA100T Declaration of Beneficial Ownership in a Legal Entity form; and • CAW-8IMY Certificate of Foreign Intermediary, Foreign Flow-Through Entity form on behalf of the trust. * See U.S. Person definition on page 2		<ul style="list-style-type: none"> • CA100T Declaration of Beneficial Ownership in a Legal Entity form; and • CAW-8IMY Certificate of Foreign Intermediary, Foreign Flow-Through Entity form on behalf of the trust Grantor must complete a:	
		<ul style="list-style-type: none"> • CAW-9 Request for Taxpayer Identification Number and Certification form 	
Indicate Grantor(s) name(s) and ownership % below. Where there are more grantors, append additional CA15 Written Trust/Estate Account Application forms.			
Grantor Name	Ownership %	Grantor Name	Ownership %
Grantor Name	Ownership %	Grantor Name	Ownership %
<input type="radio"/> Simple Trust (Account will be treated as a 100% flow-through to the recipient of the income.) Trustee must complete a CA100T Declaration of Beneficial Ownership in a Legal Entity form and a CAW-8IMY Certificate of Foreign Intermediary, Foreign Flow-Through Entity form on behalf of the trust. For each U.S. beneficiary, the trustee must complete a CAW-9 Request for Taxpayer Identification Number and Certification form .			
<input type="radio"/> Complex Trust Trustee must complete a CA100T Declaration of Beneficial Ownership in a Legal Entity form .			
<input type="radio"/> U.S. Trust Trustee must complete a CA100T Declaration of Beneficial Ownership in a Legal Entity form and a CAW-9 Request for Taxpayer Identification Number and Certification form .			
<input type="radio"/> Estate Where the deceased was a U.S. Person* for tax purposes at the time of death, the trustee must complete a CAW-9 Request for Taxpayer Identification Number and Certification form on behalf of the trust.			
Account Type Descriptions			
<p>The below guidelines are general in nature and are offered to assist you in completing this form but are not a replacement for and should not be construed as professional advice. We encourage you to consult with your own advisors. Neither Scotia Capital nor its affiliates makes any representation or warranty as to the accuracy, completeness or currency of the below information. Scotia iTRADE does not provide investment, legal or tax advice.</p>			
Grantor Trust			
Grantor Trust is a term used to describe any written trust over which the Grantor or his/her spouse retains the power to control or direct the trust's income or assets or where the grantor or his/her spouse is named a beneficiary of the trust or where the trustee or his/her spouse is named the beneficiary of the trust. The term "Grantor" refers to an individual who establishes the trust (with property, money, or any other asset). Common synonyms for grantor are settlor/(donator of funds), and creator. A Grantor Trust is a flow-through entity where Scotia Capital is required to allocate the U.S. source income on the account to the Grantor.			
Simple Trust			
A non-US written trust that is required to distribute all of its income annually. A Simple Trust is a flow-through entity where Scotia Capital is required to allocate the U.S. source income on the account to the Beneficiary.			
Complex Trust			
The Trust is neither a Simple Trust nor a Grantor Trust. A written trust agreement or will establishes the trust. A Complex Trust is not a flow-through entity and U.S. source income will be allocated to the trust, not to its Grantor(s) nor to its Beneficiary(ies).			
Flow-Through Entity			
A flow-through entity is a grantor or simple trust claiming tax treaty benefits as entities or an entity receiving income for which treaty benefits are claimed by an interest holder (beneficiary) in the entity and the entity is considered fiscally transparent.			
U.S. Trust			
U.S. court has jurisdiction to exercise primary supervision over the trust's administration or a U.S. person or persons controls all substantial decisions of the trust.			
Estate			
Effective January 1, 1995 in Ontario, there is only one court document issued to persons authorized to take control of an estate. This document is called a Certificate of Appointment of Estate Trustee. Every person who receives such a Certificate is called an Estate Trustee. For estate trusts created prior to 1995, persons identified as executors or administrators in court documents are now considered Estate Trustees. Estate Trustees in other jurisdictions must provide the comparable court authorization to deal with the estate of a deceased person.			

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Definition of a U.S. Person

U.S. Persons include: U.S. citizens (including persons with dual citizenship), U.S. resident aliens, persons born in the U.S.A., U.S. lawful permanent residents (e.g. Green Card holders), entities incorporated or organized in the U.S.A. or persons who meet the Substantial Presence Test for U.S. Residency.

C Trust Information

- Trustee's status (provide name(s), address(es) and signature(s) of all Co-Trustee(s) in section A (attach separate sheet if necessary))
 Sole Trustee Trustee and Co-Trustee(s)
- Has the Trustee authority to act alone in giving instructions for investment and distributions?
 No Yes If no, who else must act (provide name(s))? _____
- Are investments limited by any provision of applicable law?
 No (specify authorized investment criteria, if any):
 Yes (specify):
Note: Estates without a Will are always limited to Trustee Act Investments.
- Are there any other limitations on the powers of Trustee(s) to deal with assets?
 No Yes If yes, specify limitations: _____

D Agreement (Signature(s) required)

The formation of trusts and the taxation of income and capital gains generated in trust accounts are complex matters. The liability for tax varies according to the nature of the trust established, the source of the assets contributed, the manner of the contribution, the relationship between the contributor and the beneficiary of the trust and the nature of the investments made in the account.

Before establishing a trust account you should consult with your own tax and legal advisors.



I/we certify that the Trustee and each Co-Trustee have reached the age of legal majority. I/we undertake to advise Scotia iTRADE immediately in writing of any changes in the information contained herein, and confirm that Scotia iTRADE shall be entitled to rely on such information unless and until such written advice of changes has been given. All of the information in this application is complete and accurate and I/we have read, understood and agreed to all of the terms and conditions relating to this account in the relevant sections of the **Scotia iTRADE Referral Disclosure Document and Terms and Conditions** brochure.

I/we hereby agree to maintain at Scotia iTRADE an accurate and up-to-date list of the current beneficiaries of the account. I/we also agree to assist Scotia iTRADE in providing the appropriate verification of the identification of all parties relevant to the account, as required under existing legislation, including U.S. Withholding Tax Regulations. At the time of an external audit examination, I/we understand that we may be contacted by Scotia iTRADE and requested to provide to their auditors information on the current beneficiaries to validate that the current file at Scotia iTRADE is up-to-date and accurate, or provide new information about beneficiaries or other account information as required, and I/we agree to do so.

It is the responsibility of the Trustee(s) to ensure the trust is operated in accordance with its terms and conditions, the Income Tax Act, all applicable laws, including applicable provincial legislation, and all other legal and regulatory requirements.

In consideration of the acceptance by Scotia iTRADE of this account and of other good and valuable consideration, I/we agree jointly and severally to indemnify and hold harmless Scotia iTRADE and each of its officers, directors, employees and agents of and from any liability, costs or expenses of any kind which they or any of them may suffer or incur as a result of acting in accordance with my/our instructions or the information I/we have provided hereunder or in accordance with the instruction of any other person(s) who I/we have advised Scotia iTRADE is authorized to give instructions to Scotia iTRADE hereunder.

The undersigned have expressly requested that this Agreement and all deeds, documents or notices relating thereto be in the English language; les soussignés ont expressément exigé que cette convention et toute autre contrat, document ou avis afférent soient en langue anglaise.

 Signature of Trustee	Name of Trustee	Date (mm-dd-yyyy)
 Signature of Co-Trustee (as applicable)	Name of Co-Trustee	Date (mm-dd-yyyy)

Where the above space is insufficient to indicate all Trustees/Co-Trustees, add an appendix page to provide the required information and signatures.

E Certification (This section must be completed for Grantor and Simple Trusts)

Not applicable to U.S. persons or Non-Residents of countries where the U.S. tax treaty is greater than 15%.

The trust confirms:



Please refer to Glossary for definitions of terms.

- The trust has a Foreign Account Tax Compliance Act (FATCA) status as a certified deemed-compliant Foreign Financial Institution (FFI), or an owner-documented FFI, or an exempt beneficial owner, or a nonfinancial foreign entity. The trust has maintained such FATCA status at all times.
- The trust is a direct account holder of Scotia Capital Inc.
- None of the trust's beneficiaries is a flow-through entity or is acting as intermediary for a payment made by Scotia Capital Inc. to the estate or trust;
- None of the trust's beneficiaries is a U.S. person and none of its foreign beneficiaries are subject to withholding or reporting under FATCA; and
- The trust agrees, to the extent necessary for Scotia Capital Inc. to satisfy its compliance obligations, to make available upon Scotia Capital Inc.'s request, records that establish that the trust has provided Scotia Capital Inc. with documentation for regulatory purposes for all of its beneficiaries.

In the event the trust fails to make available to Scotia Capital Inc. or its auditor/independent reviewer such records, described in paragraph (5) within 30 days after the request Scotia Capital Inc. must correct its withholding by applying a 30% withholding on US source income according to the applicable US Treasury Regulations and file corrected and individualized forms 1042-S for each beneficiary, i.e. each beneficiaries identity will be disclosed to the IRS.

The trust confirms having taken note of this requirement of disclosure and expressly agrees to it.

The trust furthermore confirms that the trust informed each beneficiary about Scotia Capital Inc.'s obligation to disclose their identity to the IRS in case of failure of providing the requested information and documents referred to in paragraph (5) and that each beneficiary agreed to the disclosure under the given circumstances.

 Signature of Trustee	Name of Trustee	Date (mm-dd-yyyy)
 Signature of Co-Trustee (as applicable)	Name of Co-Trustee	Date (mm-dd-yyyy)
Advisor signature	Date (mm-dd-yyyy)	Branch manager signature
		Date (mm-dd-yyyy)

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Glossary of Terms

Foreign financial institution (FFI)

An FFI is defined as any financial institution that is a foreign entity, other than a financial institution organized under the laws of a possession of the U.S., for the U.S. Foreign Account Tax Compliance Act (FATCA).

Certified deemed-compliant FFI

An FFI has been certified as to its status as a deemed-compliant FFI by providing [Scotia Capital Inc.] with the documentation applicable to the relevant deemed-compliant category. A certified deemed-compliant FFI is not required to register with the IRS for FATCA purposes. This generally includes but not limited to certain non-registered local banks, non-profit organizations, FFIs with only low value accounts and limited life debt investment entities.

Owner-Documented FFI

This status only applies if the trust has entered into an agreement with [Scotia Capital Inc.] to treat the trust as an owner-documented FFI. The trust has to meet certain restrict requirements to be eligible for this status.

Exempt beneficial owner

The term exempt beneficial owner includes a foreign government, any political subdivision of a foreign government or any wholly owned agency or instrumentality of any one or more of the foregoing; any international organizations and any wholly owned agency or instrumentality thereof; any foreign central bank of issue; governments of U.S. possessions; certain retirement funds; and entities wholly owned by exempt beneficial owners.

Non-financial foreign entity (NFFE)

The term NFFE means a foreign entity that is not a FFI for FATCA purposes.

Trust Terms

All of the following is provided for information purposes only. Trustees should consult their own legal advisors regarding the laws applicable to the trust and their duties under the applicable laws.

27. (1) In investing trust property, a Trustee must exercise the care, skill, diligence and judgment that a prudent investor would exercise in making investments.
27. (2) A Trustee may invest trust property in any form of property in which a prudent investor might invest.
27. (3) Any rule of law that prohibits a Trustee from delegating powers or duties does not prevent the Trustee from investing in mutual funds, pooled funds or segregated funds under variable insurance contracts, and sections 27.1 and 27.2 do not apply to the purchase of such funds.
27. (4) If trust property is held by Co-Trustees and one of the Co-Trustees is a trust corporation as defined in the *Loan and Trust Corporations Act*, any rule of law that prohibits a Trustee from delegating powers or duties does not prevent the Co-Trustees from investing in a common trust fund, as defined in that Act, that is maintained by the trust corporation and sections 27.1 and 27.2 do not apply.
27. (5) A Trustee must consider the following criteria in planning the investment of trust property, in addition to any others that are relevant to the circumstances:
 1. General economic conditions.
 2. The possible effect of inflation or deflation.
 3. The expected tax consequences of investment decisions or strategies.
 4. The role that each investment or course of action plays within the overall trust portfolio.
 5. The expected total return from income and the appreciation of capital.
 6. Needs for liquidity, regularity of income and preservation or appreciation of capital.
 7. An asset's special relationship or special value, if any, to the purposes of the trust or to one or more of the beneficiaries.
27. (6) A Trustee must diversify the investment of trust property to an extent that is appropriate to,
 - (a) the requirements of the trust; and
 - (b) general economic and investment market conditions.
27. (7) A Trustee may obtain advice in relation to the investment of trust property.
27. (8) It is not a breach of trust for a Trustee to rely on advice obtained under subsection (7) if a prudent investor would rely on the advice under comparable circumstances.
27. (9) This section and section 27.1 do not authorize or require a trustee to invest in a manner that is inconsistent with the terms of the trust.

Investment Standards - Selected excerpts from Section 27 of the Ontario Trustee Act RSO 1990. c.T-23 as at January 2013 (as amended from time to time)

Investment Standards - Selected excerpts and summaries of the *Civil Code of Quebec* LRQ, c.C 1991 as at July 2013 (as amended from time to time)

- Any person who is charged with the administration of property or a patrimony that is not his own assumes the office of administrator of the property of others. The rules of this Title apply to every administration unless another form of administration applies under the law or the constituting act, or due to circumstances. (Art. 1299 C.C.)
- An administrator is bound to invest the sums of money under his administration in accordance with the rules of this Title relating to presumed sound investments. He may likewise change any investment made before he took office or that he has made himself. (Art. 1304 C.C.)
- An administrator shall act with prudence and diligence. He shall also act honestly and faithfully in the best interest of the beneficiary or of the object pursued. (Art. 1309 C.C.)
No administrator may exercise his powers in his own interest or that of a third person or place himself in a position where his personal interest is in conflict with his obligations as administrator.
If the administrator himself is a beneficiary, he shall exercise his powers in the common interest, giving the same consideration to his own interest as to that of the other beneficiaries. (Art. 1310 C.C.)
No administrator may mingle the administered property with his own property. (Art. 1313 C.C.)
- Investments in the following are presumed sound:
 - 1) titles of ownership in an immovable;
 - 2) bonds or other evidences of indebtedness issued or guaranteed by Québec, Canada or a province of Canada, the United States of America or any of its member states, the International Bank for Reconstruction and Development, a municipality or a school board in Canada, or a fabrique in Québec;
 - 3) bonds or other evidences of indebtedness issued by a legal person which operates a public service in Canada and which is entitled to impose a tariff for such service;
 - 4) bonds or other evidences of indebtedness secured by an undertaking, towards a trustee, of Québec, Canada or a province of Canada, to pay sufficient subsidies to meet the interest and the capital on the maturity of each;
 - 5) bonds or other evidences of indebtedness of a company in the following cases:
 - (a) they are secured by a hypothec ranking first on an immovable, or by securities presumed to be sound investments;
 - (b) they are secured by a hypothec ranking first on equipment and the company has regularly serviced the interest on its borrowings during the last 10 financial years;
 - (c) they are issued by a company whose common or preferred shares are presumed sound investments;
 - 6) bonds or other evidences of indebtedness issued by a loan society incorporated by a statute of Québec or authorized to do business in Québec under the Loan and Investment Societies Act, provided it has been specially approved by the Government and its ordinary operations in Québec consist in making loans to municipalities or school boards and to fabriques or loans secured by hypothec ranking first on immovables situated in Québec;
 - 7) debts secured by hypothec on immovables in Québec:
 - (a) if payment of the capital and interest is guaranteed or secured by Québec, Canada or a province of Canada;
 - (b) if the amount of the debt is not more than 80% of the value of the immovable property securing payment of the debt after deduction of the other debts secured by the same immovable and ranking equally with or before the debt;
 - (c) if the amount of the debt that exceeds 80% of the value of the immovable by which it is secured, after deduction of the other debts secured by the same immovable and ranking equally with or before the debt, is guaranteed or secured by Québec, Canada or a province of Canada, the Central Mortgage and Housing Corporation, the Société d'habitation du Québec or a hypothec insurance policy issued by a company holding a permit under the Act respecting insurance;
 - 8) fully paid preferred shares issued by a company whose common shares are presumed sound investments or which, during the last five financial years, has distributed the stipulated dividend on all its preferred shares;
 - 9) common shares issued by a company that for three years has been meeting the timely disclosure requirements defined in the Securities Act to such extent as they are listed by a stock exchange recognized for that purpose by the Government on the recommendation of the Autorité des marchés financiers, and when the market capitalization of the company, not considering preferred shares or blocks of shares of 10% or more, is higher than the amount so fixed by the Government;
 - 10) securities of an investment fund or of a private trust, provided that 60% of its portfolio consists of investments presumed sound and that the fund or trust has fulfilled in the last three years the continuous disclosure requirements specified in the Securities Act. (Art. 1339 C.C.)
- The administrator decides on the investments to make according to the yield and the anticipated capital gain; so far as possible, he works toward a diversified portfolio producing fixed income and variable revenues in the proportion suggested by the prevailing economic conditions. He may not, however, acquire more than 5% of the shares of the same company nor acquire shares, bonds or other evidences of indebtedness of a legal person or limited partnership which has failed to pay the prescribed dividends on its shares or interest on its bonds or other securities, nor grant a loan to that legal person or partnership. (Art. 1340 C.C.)

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- An administrator may maintain the existing investments upon his taking office even if they are not presumed sound investments. The administrator may also hold securities which, following the reorganization, winding-up or amalgamation of a legal person, replace securities he held. (Art. 1342 C.C.)
- An administrator who acts in accordance with this section is presumed to act prudently. An administrator who makes an investment he is not authorized to make is, by that very fact and without further proof of fault, liable for any loss resulting from it. (Art. 1343 C.C.)
- Investments made in the course of administration shall be made in the name of the administrator acting in that quality. Such investments may also be made in the name of the beneficiary, if it is also indicated that they are made by the administrator acting in that quality. (Art. 1344 C.C.)

Other relevant legislation (as amended from time to time) applicable to trustees by province and territory that the trustee(s) may want to review with their legal advisor:

As at July, 2013

Alberta	<i>Trustee Act</i> , R.S.A., 2000, c.T-8	Sec. 3 - 8
British Columbia	<i>Trustee Act</i> , R.S.B.C., 1996, c.464	Sec. 15.1 - 19
Manitoba	<i>Trustee Act</i> , C.C.S.M., c.T-160	Sec. 68 - 70
New Brunswick	<i>Trustees Act</i> , R.S.N.B., 1973, c.T-15	Sec. 2 and 3
Newfoundland & Labrador	<i>Trustee Act</i> , R.S.N.L., 1990, c.T-10	Sec. 3 and 6
Northwest Territories	<i>Trustee Act</i> , R.S.N.W.T., 1988, c.T-8	Sec. 2 - 3
Nova Scotia	<i>Trustee Act</i> , R.S.N.S., 1989, c.479	Sec. 3 - 5 and 8
Nunavut	<i>Trustee Act</i> , R.S.N.W.T. (Nu), 1988, c.T-8	Sec. 2 - 3
Prince Edward Island	<i>Trustee Act</i> , R.S.P.E.I., 1988, Cap. T-8	Sec. 2 and 3.5
Saskatchewan	<i>The Trustee Act</i> , 2009, S.S., c.T-23.01	Sec. 24 - 30 and 32
Yukon	<i>Trustee Act</i> , R.S.Y., 2002, c.223	Sec. 2 and 4