

WRITE

THE MAGAZINE OF
**THE WRITERS'
UNION OF
CANADA**

Unfortunately,
your submission
was not accepted.



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Dear, *we*
We are sorry to
inform you...
en
Best,
er

After careful
consideration,
we have gone
in a new direction.
Thank you.

“Emerging” later in life

**Writing hidden
histories**

**Can writers retire?
(And do we want to?)**

*Read
Between
the
Lines*





Freelance Writer versus Hobbyist

Age shouldn't matter — so why does it seem CRA cares?

BY THELMA FAYLE

POINTING TO THE discount-for-seniors sign, I commented to the new grocery-store cashier about the advantages of aging. The enthusiastic, kind woman in her early twenties replied: "Yes, and isn't it a *blessing* that you've made it this far!" A huge grin spread across my ancient, 69-year-old face as I restrained myself from laughing.

I laugh less about ageist comments from agents of the Canada Revenue Agency (CRA) who have seen me as a hobbyist — not a professional freelance writer — since I turned 65.

My credentials include two fine arts degrees in nonfiction writing; over 100 publication credits in mainstream magazines and newspapers; a weekly newspaper column; a biography published by a traditional Canadian book publisher; a professionally produced website/portfolio of my work; a history of working as a plain language and policy writer for the provincial government; a strong record of pitching nonfiction book proposals, article queries, and screenplays to editors/publishers in and outside of Canada; a 13-year membership with The Writers' Union of Canada; and annual payments from Access Copyright and PLR programs.

"The CRA seems to have a new agenda of targeting retired people who are involved with sole proprietorships."

I suspect that if I were 49 and not 69, nobody would accuse me of not being serious about making a living as a writer. But I have heard that senior writers being treated as hobbyists has been a TWUC concern for some time.

Older writers targeted

"The CRA seems to have a new agenda of targeting retired people who are involved with sole proprietorships," said Diane Johnson, a certified tax preparation professional with 38 years of experience in BC. "Their recent determinations often seem unfair, as they no longer follow their own rules."

Johnson was at a loss to understand the CRA's motive in this new trend she is witnessing. However, she wondered about the agency's seeming inability to recognize older writers, perhaps retired from other careers, as "capable people who want to continue to be productive" at a time when Canada needs more people with writing and communications experience — not fewer.

When I received a three-year audit notice in 2023, I decided to appeal, with the help of my husband — who, unlike me, is a numbers person.

Over the last two years, three CRA agents argued I was a hobbyist because I did not have a separate phone line or bank account dedicated for business purposes. They denied my deductions for newspaper subscriptions (*Globe and Mail* and *New York Times*) and my computer/iPad purchases; saying I "might be using them to play video games." (I do not play video games.) They complained that I had "income from other sources." How many Canadian freelancers don't?

Although little money is involved, I am going to tax court to appeal on principle.

Note to freelancers: Choose your business expenses wisely. I was advised by my accountant to claim some trivial expenses that only complicated matters.

The final agent said, "My manager and I both agree that if you are doing the same thing for 10 years and are still showing losses every year, then you're not operating as a business."

CRA agents vs Canadian tax law

Their position is inconsistent with the Government of Canada's Income Tax Folio S4-F14-C1, Artists and Writers, Section 1.26, which explicitly acknowledges that a writer might not generate a profit "during their entire lifetime" — but still be deemed a professional writer with a reasonable expectation of making a profit. (I highly recommend looking it up and reading the entire chapter.) Writing is a long game. Many of us are professionals even if we are not turning a profit.

Section 1.24 specifies 12 factors to consider when applying the profit test to writers. In three substantial submissions, I demonstrated how my activities and credentials generally met the criteria. I provided 50 of the 240 queries for stories I had pitched in the previous four years. Rather than assess these factors on their merits, the agents repeated that I had not shown an effort to generate a profit (despite my 40-hour weeks).

After explaining I had recently spent \$28,000 to earn a master's to increase my chances of finding a publisher for my book on cross-cultural friendship, the agent replied: "Lots of seniors like to take courses and write as a hobby." He had written a few short stories himself; and noted his grade one teacher's husband self-published a book and had 4,000 copies in their basement.

It felt as though the agents were incapable of understanding the unique business factors facing Canadian writers, and, in the final determination, clung to the profit issue saying they went back 15 years in my file and did not see profit. The span included the pandemic and a large part of a period when I was on medical leave.

CRA gave little credit for my references, including John Degen, CEO of TWUC; Stephen Kimber, co-founder of the University of King's College's Master of Fine Arts in Creative Nonfiction program; and Mark Medley, deputy editor of the *Globe and Mail*.

Although little money is involved, I am going to tax court to appeal on principle. I am hopeful the Tax Court of Canada will have a robust look — *beyond age* — at my significant effort to generate a profit.

I am bewildered by the amount of CRA time spent on my seemingly inconsequential file.

Although I do not have a science background, I recently completed auditing eight University of Victoria microbiology courses as preparation for two nonfiction books I am proposing. These two years of research — for work that may not find a publisher in our highly competitive writing industry — will not likely be viewed by the CRA as freelance work, but as part of my "hobby."

I am fortunate to have a pension from a lifetime of working and a husband who is supportive of my writing, and to count myself as a proud and grateful Canadian with no problem paying taxes. But while I may be an older writer, I *am* a professional writer — regardless of my age.

In spite of an absurd and demoralizing CRA experience, rife with seeming age discrimination, I still see nonfiction writing as enjoyable work, and yes, even a *blessing*, to have made it this far — as a freelancer.

Thelma Fayle is a Canadian freelance writer living with her husband in Victoria, BC. New to science, she is currently studying microbiology and has learned there is a world we do not see in the microbial landscape. The terrain offers a miniature panorama as awe-inspiring as a look straight-up from the base of a giant sequoia tree in an old-growth forest. Fungus, bacteriophages, and other microbes have rocked her world on this late-stage call-to-adventure. Learn more: thelmafayle.com.