

ARTICLE XXI

Other Income

1. Subject to the provisions of paragraph 2, items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Convention shall be taxable only in that State.

2. However, if such income is derived by a resident of a Contracting State from sources in the other Contracting State, such income may also be taxed in the State in which it arises, and according to the laws of that State. However, in the case of income from an estate or trust derived from sources in Canada by a resident of Thailand who is the beneficial owner thereof, the tax charged in Canada shall not exceed 15 per cent of the gross amount of the income.

CHAPTER IV

METHODS FOR PREVENTION OF DOUBLE TAXATION

ARTICLE XXII

Elimination of Double Taxation

1. In the case of Canada, double taxation shall be avoided as follows:

(a) Subject to the existing provisions of the law of Canada regarding the deduction from tax payable in Canada of tax paid in a territory outside Canada and to any subsequent modification of those provisions — which shall not affect the general principle hereof — and unless a greater deduction or relief is provided under the laws of Canada, tax payable in Thailand on profits, income or gains arising in Thailand shall be deducted from any Canadian tax payable in respect of such profits, income or gains.

(b) Subject to the existing provisions of the law of Canada regarding the determination of the exempt surplus of a foreign affiliate and to any subsequent modification of those provisions — which shall not affect the general principle hereof — for the purpose of computing Canadian tax, a company resident in Canada shall be allowed to deduct in computing its taxable income any dividend received by it out of the exempt surplus of a foreign affiliate resident in Thailand.

2. In the case of Thailand, double taxation shall be avoided as follows:

The amount of tax payable in Canada, under the laws of Canada and in accordance with the provisions of this Convention, whether directly or by deduction, by a resident of Thailand in respect of income from sources within Canada, which has been subjected to tax in Canada, shall be allowed as a credit against Thai tax payable in respect of such income, but in an amount not exceeding that proportion of Thai tax which such income bears to the entire income chargeable to Thai tax. For the purpose of determining such entire income, a loss incurred in any country shall not be taken into account.