

THE RETAIL SALES TAX ACT

LAWN AND GARDEN SUPPLIES

This bulletin outlines the application of Retail Sales Tax (RST) on lawn and garden supplies commonly sold for domestic use by businesses such as greenhouses, nurseries, landscapers and garden stores.

General information

- Effective May 1, 2001, fertilizers, insecticides, fungicides, herbicides, rodenticides, and weed control chemicals purchased for non-farming use are subject to RST. These items continue to be RST exempt when they are purchased and used principally for farming as discussed later in this bulletin.

Tax exempt supplies

THE FOLLOWING ITEMS ARE NOT TAXABLE:

- Bone meal
- Books (but books that contain advertising and periodical publications are taxable)
- Compost accelerator
- Firewood for heating, including firelogs that are manufactured entirely from natural woodchips and do not contain any other materials
- Fish fertilizer
- Fruit bearing trees (excluding ornamental fruit trees)
- Fruit plants, such as strawberry and raspberry plants
- Peat moss, peat pellets and peat pots
- Potting soil and potting mixture
- Top soil, loam, manure and lawn dressing
- Vegetable plants and seeds

**Taxable
supplies and
equipment**

THE FOLLOWING ARE EXAMPLES OF TAXABLE ITEMS:

- Agricultural lime
- Bark chips and garden rock
- Books that contain advertising
- Chemical sprayers
- Chemicals sold as pesticides
- Concrete patio and sidewalk blocks
- Fertilizers
- Firelogs that have no wood content
- Flower plants and seeds
- Fungicide sprays, powders, solutions and fumigants which are intended to kill fungus growths and spores
- Fly catchers, including sticky paper, electric zappers and others
- Garden hoses and sprinklers
- Grafting wax
- Grass seed and sod
- Growth regulating compounds
- Herbicide sprays, powders, and other compounds which are intended to kill or control weeds, bushes and trees, (including soil sterilants, moss killers, brush killers, stump removers, weed bars and others)
- Horticultural charcoal
- Insecticide sprays, powders, solutions, fumigants and miticides, which are intended to kill insects, such as malathion, vapon strips, potato dust, methyl bromide, slug killer, mosquito coils and others
- Insect repellents
- Lawn and garden tools
- Lawn ornaments and fences
- Lawn mowers, grass trimmers, fertilizer spreaders, garden tractors, tillers, and other similar items, and repairs
- Magazines and other periodical publications

- Mouse traps
- Ornamental fruit trees
- Plant boxes and pots
- Plant nutrients and plant food
- Pruning paint
- Repellents for rodents and other animals
- Rodenticide powders, solutions, pellets and fumigants which are intended to kill rodents, such as mouse seed, rat poison, rodent gases and others
- Rooting stimulants
- Sand and gravel
- Terrariums and planting kits
- Tree tanglefoot
- Trees and shrubs (excluding fruit bearing trees)
- Vermiculite and perlite

Chemical products purchased for farm-use

- Fertilizers, insecticides, fungicides, herbicides, rodenticides and weed control chemicals continue to be RST exempt when they are purchased and used principally for farming (including commercial greenhouse and nursery operations).
- To allow the exemption on the sale, vendors must obtain a "farm-use" certificate in the following form:

"I hereby certify that the goods shown on this invoice are fertilizers, insecticides, fungicides, herbicides, rodenticides, or weed control chemicals and will be used principally for farming."

....."
 Date Purchaser's signature.

- The certificate must be printed, typed, written or applied by rubber stamp on the copy of the invoice or other document supporting the sale.
- For a list of other items that may be purchased RST exempt when used principally for farming, please see Bulletin No. 018 - Farm Use Equipment and Other Items.

FURTHER INFORMATION

This bulletin is intended to serve as a guideline and is not all-inclusive. For the specific wording of the law, please refer to *The Retail Sales Tax Act and Regulations*. Further information may be obtained from:

Winnipeg Office

Manitoba Finance
Taxation Division
101 - 401 York Avenue
Winnipeg, Manitoba R3C 0P8
Telephone (204) 945-5603
Manitoba Toll Free 1-800-782-0318
Fax (204) 948-2087

Westman Regional Office

Manitoba Finance
Taxation Division
314, 340 - 9th Street
Brandon, Manitoba R7A 6C2
Fax (204) 726-6763

E-mail: MBTax@gov.mb.ca

ONLINE SERVICES

Our Web site at manitoba.ca/finance/taxation provides tax forms and publications about taxes administered by Taxation Division, and a link to Manitoba's laws and regulations. Forms and publications can also be obtained by contacting the Taxation Division.

Our online service at manitoba.ca/TAXcess provides a simple, secure way to apply for, and to file, pay and view your Taxation Division tax accounts.