



TD 92/134W - Income tax: capital gains : how is a capital gain or loss determined if a dwelling has been occupied as a sole or principal residence for part only of the period of ownership?

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 This document has changed over time. This is a consolidated version of the ruling which was published on *19 May 2010*



Notice of Withdrawal

Taxation Determination

Income tax: capital gains: how is a capital gain or loss determined if a dwelling has been occupied as a sole or principal residence for part only of the period of ownership?

Taxation Determination TD 92/134 is withdrawn with effect from today.

1. Taxation Determination TD 92/134 explains how a capital gain or loss is determined under subsection 160ZZQ(16) of the *Income Tax Assessment Act 1936* (ITAA 1936) if a dwelling has been occupied as a sole or principal residence for only part of the period that it was owned.
2. Subsection 160ZZQ(16) of the ITAA 1936 was rewritten as section 118-185 of the *Income Tax Assessment Act 1997* (ITAA 1997). The example included in section 118-185 of the ITAA 1997 clarifies how the capital gain or loss is worked out in such cases.
3. The Determination is therefore no longer necessary and is withdrawn.

Commissioner of Taxation

19 May 2010

ATO references

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ATOlaw topic: Income Tax ~~ Capital Gains Tax ~~ main residence exemption