



Ministry of Finance  
33 King Street West  
PO Box 625  
Oshawa ON L1H 8H9

Property Identifier(s) No.  
-

Land Transfer Tax Affidavit  
Land Transfer Tax Act

In the Matter of the Conveyance of (insert brief description of land)

BY (print names of all transferors in full)

TO (print names of all transferees in full)

I

have personal knowledge of the facts herein deposed to and Make Oath and Say that:

1. I am (place a clear mark within the square opposite the following paragraph(s) that describe(s) the capacity of the deponents):

- ☐ (a) the transferee named in the above-described conveyance;
  - ☐ (b) the authorized agent or solicitor acting in this transaction for the transferee(s);
  - ☐ (c) the President, Vice-President, Secretary, Treasurer, Director or Manager authorized to act for (the transferee(s));
  - ☐ (d) a transferee and am making this affidavit on my own behalf and on behalf of (insert name of spouse) who is my spouse.
  - ☐ (e) the transferor or an officer authorized to act on behalf of the transferor company and
- ☐ I am tendering this document for registration and  
☐ no tax is payable on registration of this document.

2. The total consideration for this transaction is allocated as follows:

(a) Monies paid or to be paid in cash	\$	
(b) Mortgages (i) Assumed (principal and interest)	\$	
(b) Mortgages (ii) Given back to vendor	\$	
(c) Property transferred in exchange (detail below in para. 5)	\$	
(d) Other consideration subject to tax (detail below)	\$	
(e) Fair market value of the lands (see Instruction 2(c))	\$	
(f) Value of land, building, fixtures and goodwill subject to Land Transfer Tax (Total of (a) to (e))	\$	
(g) Value of all chattels - items of tangible personal property	\$	
(h) Other consideration for transaction not included in (f) or (g) above	\$	
(i) Total Consideration	\$	

All blanks must be filled in. Insert Nil where applicable.

3 (a). To be completed where the value of consideration for the conveyance exceeds \$400,000 and the agreement of purchase and sale was entered into on or before November 14, 2016.

- I have read and considered the definition of "single family residence" set out in subsection 1(1) of the Act. The land conveyed in the above-described conveyance:
- ☐ does not contain a single family residence or contains more than two single family residences;
  - ☐ contains at least one and not more than two single family residences; or
  - ☐ contains at least one and not more than two single family residences and the lands are used for other than just residential purposes. The transferee has accordingly apportioned the value of consideration on the basis that the consideration for the single family residence is \$ and the remainder of the lands are used for purposes.
  - ☐ Date on which the agreement of purchase and sale was entered into

Note: Subsection 2(1.1)(b) imposes an additional tax at the rate of one-half of one per cent upon the value of the consideration in excess of \$400,000.00 for agreements of purchase and sale that were entered into on or before November 14, 2016, where the conveyance contains at least one and not more than two single family residences and 2(2) allows an apportionment of the consideration where the lands are used for other than just residential purposes.

3 (b). To be completed where the value of consideration for the conveyance exceeds \$2,000,000 and the agreement of purchase and sale was entered into after November 14, 2016.

- I have read and considered the definition of "single family residence" set out in subsection 1(1) of the Act. The land conveyed in the above-described conveyance:
- ☐ does not contain a single family residence or contains more than two single family residences;
  - ☐ contains at least one and not more than two single family residences; or
  - ☐ contains at least one and not more than two single family residences and the lands are used for other than just residential purposes. The transferee has accordingly apportioned the value of consideration on the basis that the consideration for the single family residence is \$ and the remainder of the lands are used for purposes.
  - ☐ Date on which the agreement of purchase and sale was entered into

Note: Subsection 2(1)(b) imposes an additional tax at the rate of one-half of one per cent upon the value of consideration in excess of \$2,000,000 for agreements of purchase and sale that were entered into after November 14, 2016, where the conveyance contains at least one and not more than two single family residences and 2(2) allows an apportionment of the consideration where the lands are used for other than just residential purposes.

4. If consideration is nominal, is the land subject to any encumbrance? Yes No

5. Statements as to applicability of additional tax on foreign entities and taxable trustees (non resident speculation tax). Complete paragraph (a) or paragraph (b).

- (a) The transferee(s) has considered the definitions of "designated land", "foreign corporation", "foreign entity", "foreign national", Greater Golden Horseshoe Region", "specified region", "spouse", and "taxable trustee" as set out in subsection 1(1) of the Land Transfer Tax Act and O.Reg 182/17, and declare one of the following statements:
- ☐ This conveyance is subject to additional tax as set out in subsection 2(2.1) of the Act and
    - ☐ This is a conveyance of land located within the Greater Golden Horseshoe Region and is pursuant to an agreement of purchase and sale or an assignment of an agreement of purchase and sale that was entered into on or before March 29, 2022, and the land is not being conveyed to any foreign entity or taxable trustee other than a purchaser, or the spouse of a purchaser, under the agreement of purchase and sale, or a person or the spouse of a person, to whom the agreement of purchase and sale was assigned, or
    - ☐ This is a conveyance of land pursuant to an agreement of purchase and sale or an assignment of an agreement of purchase and sale that was entered into after March 29, 2022, but on or before October 24, 2022, and the land is not being conveyed to any foreign entity or taxable trustee other than a purchaser, or the spouse of a purchaser, under the agreement of purchase and sale, or a person or the spouse of a person, to whom the agreement of purchase and sale was assigned, or

- ☐

This is a conveyance of land pursuant to an agreement of purchase and sale or an assignment of an agreement of purchase and sale that was entered into **on or before** October 24, 2022, **and the land is being conveyed** to any foreign entity or taxable trustee other than a purchaser or the spouse of a purchaser under the agreement of purchase and sale, or a person or the spouse of a person to whom the agreement of purchase and sale was assigned, or
- ☐

This is a conveyance of land pursuant to an agreement of purchase and sale or an assignment of an agreement of purchase and sale that was entered into **after** October 24, 2022.
- ☐

This conveyance is subject to additional tax as set out in subsection 2(2.1) of the Act. This is a conveyance of a combination of "designated land" and land that is not designated land. The transferee(s) has accordingly apportioned the value of the consideration on the basis that the consideration attributable to the conveyance of the designated land is \$ \_\_\_\_\_ and the remainder of land is used for \_\_\_\_\_ purposes and
- ☐

This is a conveyance of land located within the Greater Golden Horseshoe Region and is pursuant to an agreement of purchase and sale or an assignment of an agreement of purchase and sale that was entered into **on or before** March 29, 2022, **and the land is not being conveyed** to any foreign entity or taxable trustee other than a purchaser, or the spouse of a purchaser, under the agreement of purchase and sale, or a person or the spouse of a person, to whom the agreement of purchase and sale was assigned, **or**
- ☐

This is a conveyance of land pursuant to an agreement of purchase and sale or an assignment of an agreement of purchase and sale that was entered into **after** March 29, 2022, **but on or before** October 24, 2022, **and the land is not being conveyed** to any foreign entity or taxable trustee other than a purchaser, or the spouse of a purchaser, under the agreement of purchase and sale, or a person or the spouse of a person, to whom the agreement of purchase and sale was assigned, or
- ☐

This is a conveyance of land pursuant to an agreement of purchase and sale or an assignment of an agreement of purchase and sale that was entered into **on or before** October 24, 2022, **and the land is being conveyed** to any foreign entity or taxable trustee other than a purchaser or the spouse of a purchaser under the agreement of purchase and sale, or a person or the spouse of a person to whom the agreement of purchase and sale was assigned, or
- ☐

This is a conveyance of land pursuant to an agreement of purchase and sale or an assignment of an agreement of purchase and sale that was entered into **after** October 24, 2022.
- ☐

(b) The transferee(s) has considered the definitions of "designated land", "foreign corporation", "foreign entity", "foreign national", "specified region", "spouse" and "taxable trustee" as set out in subsection 1(1) of the *Land Transfer Tax Act*. The transferee(s) declare that this conveyance is not subject to additional tax as set out in subsection 2(2.1) of the Act because:
- ☐

This is a conveyance of land located outside of the Greater Golden Horseshoe Region pursuant to an agreement of purchase and sale or an assignment of an agreement of purchase and sale that was entered into **on or before** March 29, 2022, **and the land is not conveyed** to any foreign entity or taxable trustee other than a purchaser or the spouse of a purchaser under the agreement of purchase and sale or a person or the spouse of a person to whom the agreement of purchase and sale was assigned.
- ☐

This is not a conveyance of "designated land".
- ☐

This is a conveyance of a unit or a proposed unit under the Condominium Act, 1998 that is intended for use by a resident of the condominium complex for parking or storage purposes, and is pursuant to an agreement of purchase and sale or an assignment of an agreement of purchase and sale that was entered into **BEFORE March 27, 2024** AND THE LAND IS NOT BEING CONVEYED to any foreign corporation that is not a purchaser under the agreement of purchase and sale or a corporation to which the agreement of purchase and sale was assigned, or to any foreign national or taxable trustee other than a purchaser, or the spouse of a purchaser, under the agreement of purchase and sale, or a person, or the spouse of a person, to whom the agreement of purchase and sale was assigned.
- ☐

The transferee(s) is not a "foreign entity" or a "taxable trustee".
- ☐

Subsection 2.1(3) of the Act applies to this conveyance (the land has been conveyed pursuant to an agreement of purchase and sale entered into on or before April 20, 2017, and any assignment of the agreement of purchase and sale to any other person was entered into on or before April 20, 2017).
- ☐

Subsection 2.1 (4) of the Act applies to this conveyance in that the land is being conveyed to a "nominee" as defined in Ontario Regulation 182/17 and the conveyance satisfies the requirements of sections 2 and 4.3 of the Regulation. If this is a conveyance solely of land that is a unit or a proposed unit under the Condominium Act, 1998 that is intended for use by a resident of the condominium complex for parking or storage purposes, the transferee certifies that within 60 days after the day the conveyance is tendered for registration, they will use the land in connection with their principal residence located in the same condominium complex as the land.
- ☐

Subsection 2.1 (4) of the Act applies to this conveyance in that the land is being conveyed to a "protected person" as defined in Ontario Regulation 182/17 and the conveyance satisfies the requirements of sections 3 and 4.3 of the Regulation. If this is a conveyance solely of land that is a unit or a proposed unit under the Condominium Act, 1998 that is intended for use by a resident of the condominium complex for parking or storage purposes, the transferee certifies that within 60 days after the day the conveyance is tendered for registration, they will use the land in connection with their principal residence located in the same condominium complex as the land.
- ☐

Subsection 2.1 (4) of the Act applies to this conveyance in that the land is being conveyed to a "foreign national" and the foreign national's "spouse" as defined in subsection 1(1) of the Act, and the conveyance satisfies the requirements of sections 4 and 4.3 of the Regulation. If this is a conveyance solely of land that is a unit or a proposed unit under the Condominium Act, 1998 that is intended for use by a resident of the condominium complex for parking or storage purposes, the transferee certifies that within 60 days after the day the conveyance is tendered for registration, they will use the land in connection with their principal residence located in the same condominium complex as the land.
- ☐

\_\_\_\_\_ (provide reason)

6. Complete either paragraphs 6(a) and 6(c) or paragraphs 6(b) and 6(c)

- ☐

(a) The transferee(s) declare that they will keep at their place of residence in Ontario (or at their principal place of business in Ontario) such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the *Land Transfer Tax Act* for a period of at least seven years.
- ☐

(b) The transferee(s) declare that they have designated ( Insert name, full mailing address, telephone number and email address of custodian name )

as custodian and the custodian will keep at the custodian's place of residence in Ontario or principal place of business in Ontario such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the *Land Transfer Tax Act* for a period of at least seven years. [NOTE: Where the transferee names their solicitor as the custodian, the transferee acknowledges that they have specifically instructed their solicitor to keep the documents, records and accounts that contain such information as will enable an accurate determination of the taxes payable under the *Land Transfer Tax Act* separate from other files that the solicitor may have concerning the transferee. The transferee also acknowledges that the solicitor has been instructed to provide such documents, records and accounts to the Ministry of Finance upon request. Taxpayers must advise the Ministry of Finance if there is a change in custodian]

- ☐

(c) The transferee(s) agree that they or the designated custodian will provide such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the *Land Transfer Tax Act*, to the Ministry of Finance upon request.

7. To be completed if this Affidavit is completed by a Solicitor:

- ☐

I have fulfilled my obligations as the solicitor of (print names of all transferees) \_\_\_\_\_
- for the conveyance, in relation to the Law Society of Ontario's Rules of Professional Conduct and its By-Laws, as well as the *Land Transfer Tax Act*, and have reviewed with the transferee(s) their obligations under the *Land Transfer Tax Act* that are material to the conveyance described in this document.

8. Check appropriate box:

- ☐

The information prescribed for purposes of section 5.0.1 is required to be provided for this conveyance.  
A Prescribed information for Purposes of Section 5.0.1 form will be submitted to the Ministry of Finance.
- ☐

The information prescribed for purposes of section 5.0.1 is not required to be provided for this conveyance.

9. Other remarks and explanations, if necessary. \_\_\_\_\_

Sworn/affirmed before me in the \_\_\_\_\_  
\_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_



Signature(s)

A Commissioner for taking Affidavits, etc.

Property Information Record

A. Describe nature of instrument: \_\_\_\_\_

B. (i) Address of property being conveyed (if available) \_\_\_\_\_  
\_\_\_\_\_

(ii) Assessment Roll No. (if available) \_\_\_\_\_

C. Mailing address(es) for future Notices of Assessment under the *Assessment Act* for property being conveyed  
\_\_\_\_\_  
\_\_\_\_\_

D. (i) Registration number for last conveyance of property being conveyed (if available) \_\_\_\_\_

(ii) Legal description of property conveyed: Same as in D (i) above. ☐ Yes ☐ No ☐ Not Known

E. Name(s) and address(es) of each transferee's solicitor: \_\_\_\_\_  
\_\_\_\_\_

For Land Registry Office Use Only
Registration No.
Registration Date (Year/Month/Day)
Land Registry Office No.

School Support (Voluntary Election) (See reverse for explanation)

	Yes	No
(a) Are all individual transferees Roman Catholic?	<input type="checkbox"/>	<input type="checkbox"/>
(b) If Yes, do all individual transferees wish to be Roman Catholic Separate School Supporters?	<input type="checkbox"/>	<input type="checkbox"/>
(c) Do all individual transferees have French Language Education Rights?	<input type="checkbox"/>	<input type="checkbox"/>
(d) If Yes, do all individual transferees wish to support the French Language School Board (where established)?	<input type="checkbox"/>	<input type="checkbox"/>

Note: As to (c) and (d) the land being transferred will receive French Public School Board Election unless otherwise directed in (a) and (b).

# Instructions

**Attach this Affidavit to the conveyance tendered for registration. Provide one unattached and completed copy to the Land Registrar at the time of registration.**

## Deponents

- 1) This affidavit is required to be made by or on behalf of each transferee named in the conveyance. Where any transferee (other than a joint tenant) is taking less than the whole interest in the property being acquired, the percentage ownership of each of the transferees must be clearly indicated beside their respective names.

The minister has discretion to authorize the transferor, but not the solicitor or other agent for the **transferor**, to make the affidavit in limited circumstances.

## Value of the Consideration

- 2) The amount of land transfer payable is determined by applying the rates of tax to the value of the consideration given for the conveyance. Please review the definitions of “value of the consideration”, “land”, “convey”, and “conveyance” in the act to ensure that the true value of the consideration is reported. **Interest will be payable and penalties may be imposed if the true value of the consideration is not reported or all the tax owing is not paid.**

What follows provides: (a) some of the general provisions of value of the consideration, (b) a few illustrative examples of items and matters that should be part of the value of the consideration but that are often overlooked, (c) some of the deeming provisions found in the definition of value of the consideration. This material is not exhaustive and does not replace the act and its regulations. **You are urged to review the full definitions in the act.**

### (a) General

Value of the consideration includes the:

- gross sale price or the amount expressed in money of any consideration given or to be for the conveyance by or on behalf of the transferee (e.g., cash paid for land)
- value expressed in money of any liability assumed or undertaken by or on behalf of the transferee as part of the arrangement relating to the conveyance (e.g., assuming a mortgage attached to the land), and
- value expressed in money of any benefit of whatsoever kind conferred directly or indirectly by the transferee on any person as part of the arrangement relating to the conveyance (e.g., transferee provides professional services to transferor as part of arrangement to purchase land).

### (b) Items often overlooked in error

Value of the consideration includes:

- items not included in the purchase price of newly constructed homes such as extras and upgrades, penalties, premiums, charges, levies, fees (including Taron registration fees) and other costs
- consideration given for a structure to be built as part of the arrangement relating to the conveyance, and
- consideration given for any assignment(s) of the agreement of purchase and sale.

### (c) Deeming provisions

Value of the consideration may be deemed to be equal to the fair market value of the lands at the date of registration where the conveyance is:

- a lease of land where the term, including renewals and extensions, can exceed 50 years
- from trustee to trustee, where there has been a change in beneficial ownership since the trustee-transferor first took title

- a final order of foreclosure or quit claim in lieu thereof due to a default under the mortgage and the fair market value is less than the total amounts owed (including principal and interest and all other costs and expenses other than municipal taxes) under the mortgage(s) of the transferee chargee and all mortgages with priority to that of the transferee mortgage under default.
- to a corporation and shares of the corporation form part of the consideration, or
- from a corporation to any of its shareholders

For more details, see relevant publications available on the Ministry’s website including Ontario Tax Bulletins:

- Calculating Land Transfer Tax; and
- Determining the Value of the Consideration for Transfers of New Homes.

## Single Family Residences

3. Extract of subsection 1(1) of the Act:

“single family residence” means a unit or proposed unit under the *Condominium Act* 1998 or a structure or part of a structure that is designed for occupation as the residence of a family, including dependants or domestic employees of a member of the family, whether or not rent is paid to occupy any part of it and whether or not the land on which it is situated is zoned for residential use, and

## Additional tax on foreign entities and taxable trustees (Non-Resident Speculation Tax)

Pursuant to subsection 2(2.1), every person who, on or after April 21, 2017, tenders for registration a conveyance by which designated land that is located within the specified region is acquired by a foreign entity or a taxable trustee shall pay an additional tax.

The additional tax for applicable conveyances of designated land located anywhere in Ontario is 25% if tendered for registration after October 24, 2022, unless the transferees are eligible for one of the transitional provisions below.

## Additional Tax Transitional Provisions

### 15% Additional Tax

The additional tax is 15% if all of the following criteria apply:

- the conveyance is of designated land located within the Greater Golden Horseshoe Region,
- the conveyance is pursuant to an agreement of purchase and sale or any assignment of an agreement of purchase and sale entered into on or before March 29, 2022 and on or after April 21, 2017, and
- The land is not conveyed to any foreign entity or taxable trustee other than a purchaser, or the spouse of a purchaser, under the agreement of purchase and sale or a person, or the spouse of a person, to whom the agreement of purchase and sale was assigned.

### 20% Additional Tax

The additional tax is 20% if all of the following criteria apply:

- The conveyance is pursuant to an agreement of purchase and sale or any assignment of an agreement of purchase and sale entered after March 29, 2022, but on or before October 24, 2022, and
- The land is not conveyed to any foreign entity or taxable trustee other than a purchaser, or the spouse of a purchaser, under the agreement of purchase and sale or a person, or the spouse of a person, to whom the agreement of purchase and sale was assigned.

For clarification, if the land is conveyed to any foreign entity or taxable trustee other than a purchaser, or the spouse of a purchaser, under the agreement of purchase and sale or a person, or the spouse of a person, to whom the agreement of purchase and sale was assigned, the applicable additional tax rate is 25%.

Additional Tax Not Payable

The additional tax is not payable if all of the following criteria apply:

- the conveyance is of land located outside the Greater Golden Horseshoe Region,
  - the conveyance is pursuant to an agreement of purchase and sale or any assignment of an agreement of purchase and sale entered into on or before March 29, 2022, and
  - the land is not conveyed to any foreign entity or taxable trustee other than a purchaser, or the spouse of a purchaser, under the agreement of purchase and sale or a person, or the spouse of a person, to whom the agreement of purchase and sale was assigned,
- or

The additional tax is not payable if the conveyance is pursuant to an agreement of purchase and sale and any assignment of such agreement are entered into on or before April 20, 2017. Please review the definitions of “designated land”, “foreign entity”, “foreign national”, “Greater Golden Horseshoe Region”, “specified region”, “spouse” and “taxable trustee” under the Land Transfer Tax Act and O.Reg. 182/17.

All declarants must complete either paragraph 5(a) or 5(b), even if the additional tax is not payable on the conveyance.

Record keeping declaration

All declarants must complete either paragraphs 6(a) and 6(c) or paragraphs 6(b) and 6(c)

Prescribed Information for Purposes of Section 5.0.1

Prescribed Information is required if the conveyance involves agricultural land or land that contains at least one and no more than six single family residences.

School Support (Voluntary Election)

- a) includes such a residence that is to be constructed as part of the arrangement relating to a conveyance, and

- b) does not include such a residence that is constructed or is to be constructed on agricultural land that is eligible to be classified in the farm property class prescribed under the *Assessment Act*.
- (a) & (b) The school support for the land being transferred will be assigned to the public school board unless otherwise directed. Only Roman Catholics can be separate school board supporters. If all individual transferees are Roman Catholic and wish to be separate school supporters, the completion of (a) and (b) will serve as notice to the Assessment Commissioner to enter the transferees on the next Assessment Roll as Roman Catholic separate school supporters.
- (c) & (d) If the land being transferred is situated in an area in which a French Language School Board has been established, and all individual transferees have French language education rights, completion of (c) and (d) will serve as notice to the Assessment Commissioner to enter the transferees on the next Assessment Roll as French language school board supporters.  
An individual has French language education rights under s.23 of the *Canadian Charter of Rights and Freedoms* if the individual can answer **yes** to any one of the following questions:
  - i) Is French the language you first learned and still understand?
  - ii) Did you receive elementary school instruction in French? (This does not include French immersion or French as a second language.)
  - iii) Have any of your children received, or are they now receiving, elementary or secondary school instruction in Canada in French? (This does not include French immersion or French as a second language.)

For further information, contact your local school board. This information is requested under the authority of s.16 of the *Assessment Act*.

Enquiries:

Phone	1-866-ONT-TAXS (1-866-668-8297)
Teletypewriter (TTY)	1-800-263-7776
Website	<a href="https://www.ontario.ca/finance">ontario.ca/finance</a>

The personal information collected on this form is being collected by the Ministry of Finance under the authority of the *Land Transfer Tax Act*, R.S.O. 1990, c. L.6, as amended (“the Act”). The personal information may be used for purposes of the administration or enforcement of the Act, other tax statutes, and for purposes of compiling statistical information and of developing and evaluating economic, tax and fiscal policy. Any questions regarding the collection, use and disclosure of the personal information should be directed to: Manager, Land Taxes, Ministry of Finance, 33 King St. West, PO Box 625, Oshawa ON L1H 8H9, phone 1-866-668-8297, Teletypewriter (TTY) 1-800-263-7776.