



Ontario

Ministry of
Consumer and
Commercial
Relations

Property
Rights
Division

BULLETIN NO. 77018

DATE: July 13, 1977.

TO:
ALL LAND REGISTRARS

THE LAND TRANSFER TAX
AMENDMENT ACT, 1977

CHANGES IN REGISTRATION
PROCEDURES

The Land Transfer Tax Amendment Act, 1977, received Royal Assent July 12, 1977. As a result, Land Registrars should note the following:

1. A non-resident person when acquiring "unrestricted land" as defined in the above-noted Act will be able to obtain exemption from the 20% rate of tax by first submitting the document to the Ministry of Revenue. If that Ministry decides that the land being acquired is "unrestricted land", it will endorse the document with the stamp noted below, thus permitting the Land Registrar to accept the document for registration upon payment of the lower resident rate of tax. An Affidavit of Residence will not be needed in such cases.

THE LAND TRANSFER TAX ACT, 1974
the land hereby conveyed is certified to be unrestricted
land by authority of the Minister of Revenue

.....
DATE

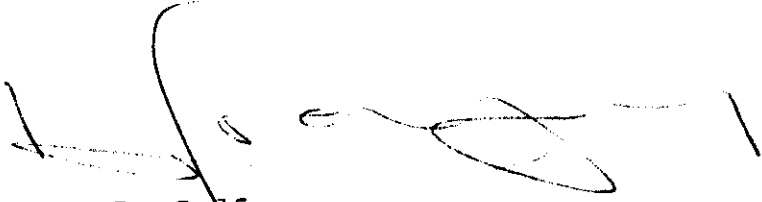
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2. Section 4(3) of the Act has been amended to clarify that an Affidavit of Residence shall be made by each transferee or trustee. The said subsection, however, permits the Affidavit to be made by one spouse on behalf of both provided both are transferees, and to be made on behalf of a corporation by an officer of that corporation. Since in the past, many land registry offices have been allowing one transferee to depose as to the residency of all transferees, we would suggest that the requirement for an Affidavit of Residence by each transferee or trustee not be enforced until September 1, 1977. It should be noted

that an agent authorized in writing and a solicitor may still complete the affidavit.

With respect to the Affidavit of Consideration, it is still permissible for one transferee or transferor to make the affidavit on behalf of all the transferees or transferors. This practice will continue until section 3(1) of The Land Transfer Tax Amendment Act, 1977, is proclaimed in force by the Lieutenant Governor. A Bulletin will be issued when such proclamation has been made.

3. Subsection 4(4) of the Act has been amended to clarify that when an Affidavit of Consideration or Residence is made by an attorney or agent of the transferee, the power of attorney or written authorization need not be filed with the Affidavit. The attorney or agent must state, however, the capacity in which he is making the affidavit and the name of the person on whose behalf he is making the affidavit.
4. Section 1(1)(m)(iv) of the Act has been amended to provide that the consideration on which tax is based when land is acquired by the foreclosure of a mortgage or charge is the lesser of the amount owing on the mortgage or charge (including principal, interest and all other costs and expenses, other than municipal taxes), or the fair market value of the land.



M. D. Godfrey
Assistant Deputy Director of Titles

MDG:ls.