



Ontario

Ministry of
Consumer and
Commercial
Relations

Property
Rights
Division

BULLETIN NO. 77028

DATE: October 24, 1977

TO:
ALL LAND REGISTRARS

NOTICE OF PURCHASER'S LIEN

APPLICABILITY OF LAND TRANSFER
TAX

Page 9 - 2 of The Land Titles Procedural Guide provides for the registration of a Purchaser's Lien by way of notice under section 78 of The Land Titles Act (see page 9 - 8 for the completed example of the notice). Land Registrars are advised that such a notice must be accompanied by an affidavit of consideration and affidavit of residence under The Land Transfer Tax Act. The amount of tax to be collected is based upon the full amount of consideration in the agreement of purchase and sale.

As a result of Ontario Regulation 767/77 however, which was filed October 19, 1977 and which will appear in The Ontario Gazette of November 5, 1977, no tax need be collected, on the registration of a purchaser's lien, if section 6 of the affidavit of consideration is completed stating:

- (a) that default has occurred in the agreement of purchase and sale mentioned in the notice;
- (b) that the purchaser does not intend to complete the said agreement or to continue to acquire the land therein;
- (c) that the purchaser is entitled to repayment of the consideration paid by him on account of the purchase price; and
- (d) the amount or value for which such lien is claimed.

Where the affidavit is completed as above the consideration to be shown should be nil. In this situation, an affidavit of residence will not be required.

The above is equally applicable to a purchaser's lien protected by registration under the registry system.

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of Titles

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