

# Exemptions to Minors for Transfers to and from the Public Guardian and Trustee

## *Property Transfer Tax Act*

This bulletin explains the requirements that must be met to transfer property to and from the Public Guardian and Trustee (PGT) exempt from the property transfer tax (tax) when the transfer is for a minor. The types of property that can be transferred exempt include family farms, as well as principal and recreational residences.

The PGT is an independent and impartial public official who performs the same role as a trust company. The PGT may be appointed to look after the financial affairs of children and adults who are in need of support when there is no-one else to look after their affairs.

For information on exemptions that may apply to transfers to and from the PGT and trust companies for non-minors, please refer to [Bulletin PTT 010](#), *Exemption for Transfers to and from Trust Companies or the Public Trustee*.

The information in this bulletin is provided for your convenience and guidance and is not a replacement for the legislation. The *Property Transfer Tax Act* and Regulations can be found on the web at [www.gov.bc.ca/sbr](http://www.gov.bc.ca/sbr)

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## DEFINITIONS

### Family Farm

A family farm is farm land that is used, owned, and farmed by any of the following:

- an individual
- family members
- a family farm corporation

The land must meet specific requirements under the [Assessment Act](#), and must be classified as farm land by [BC Assessment](#).

**More Info:** [Bulletin PTT 008](#), *Exemptions for Transferring a Family Farm*, and [Bulletin PTT 009](#), *Exemptions for Transfers to and from a Family Farm Corporation*

### Principal Residence

A principal residence is a parcel of land not larger than a half hectare in size. The land must also meet the following conditions:

- is where the person usually resides and uses the land as his or her home
- the improvements on the land are designed and used only to accommodate three or fewer families
- all the improvements on the land are classified as residential property under the [Assessment Act](#)

**More Info:** [Bulletin PTT 005](#), *Exemptions for the Transfer of a Principal Residence*

### Recreational Residence

A recreational residence is a parcel of land not larger than five hectares in size and with a fair market value of no more than \$275,000. The land

must also meet the following conditions:

- is where the person or settlor lives, or where the deceased lived, on a seasonal basis for recreational purposes
- is classified as residential land under the **[Assessment Act](#)**

**More Info:** **Bulletin PTT 007**, *Exemptions for the Transfer of a Recreational Residence*

### Related Individual

The following people are all related individuals. A person's:

- child, grandchild, great-grandchild and their spouse
- parent, grandparent and great-grandparent
- spouse and their child, parent, grandparent and great-grandparent

Related individuals must be Canadian citizens or permanent residents as defined by the *Immigration and Refugee Protection Act* (Canada).

## WHICH TRANSFERS ARE EXEMPT?

### Transfers to the PGT

Transfers of a family farm, principal residence or recreational residence to the PGT on behalf of a minor are exempt of tax if they meet the following conditions:

- the property is held in trust for the sole benefit of the minor
- the person transferring the property, or the deceased if the property is part of an estate, and the minor are related individuals

### Transfers from the PGT

All transfers from the PGT, including property purchased by the PGT on behalf of a minor, are exempt from tax if they meet the following conditions:

- the property was held in trust for the sole benefit of the minor
- the minor is a beneficiary under the trust

## HOW DO I CLAIM THE EXEMPTION?

To claim the exemption, you must present a completed *Special Property Transfer Tax Return* form (FIN 579S) at the Land Title office when you file the transfer. This form is available at a Land Title or Service BC-Government Agent office. As well, you can order a form through the Forms Order line at 250 387-2183.

The property transfer tax calculation is done in Section F of the form, and you claim the exemption by filling in the Exemption Code 25 on Line 2. A sample return and an instruction guide to help you complete the return are available on our website.

Lawyers and notaries can electronically file transfers with the Land Title office.

## NEED MORE INFO?

This bulletin is provided for convenience and guidance.

If you have any questions, call us in Victoria at 250 387-0604 or, if you are calling from outside of Victoria, call Enquiry BC toll-free at 1 800 663-7867 and request a transfer to 387-0604, or e-mail your questions to [ruraltax@gov.bc.ca](mailto:ruraltax@gov.bc.ca)

Information is also on the web at [www.gov.bc.ca/sbr](http://www.gov.bc.ca/sbr) While there, you can subscribe to our free electronic update service.

**References:** *Property Transfer Tax Act*, Sections 14(1) and 14(4)(p)