



Revenue Services Division
5100 Yonge Street
Toronto ON M2N 5V7

**City of Toronto
Municipal Land Transfer Tax
Affidavit**

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)* \$ _____
(ii) Given back to vendor..... \$ _____
- (c) Property transferred in exchange *(detail below in para.5)*..... \$ _____
- (d) Other consideration subject to Municipal Land Transfer Tax *(detail below)* \$ _____
- (e) Fair market value of the lands *(see Instructions)* \$ _____
- (f) Total value of consideration subject to Municipal Land Transfer Tax *(Total of (a) to (e)).* **\$**

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

3. To be completed where the value of the consideration for the conveyance exceeds \$400,000.00.

I have read and considered the definition of "single family residence" set out in subsection 760-2 of the By-law. 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.

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

5. Other remarks and explanations, if necessary. _____

6. Attached hereto are true copies of the conveyance including the Land Transfer Tax Affidavit or Statements, as the case may be, and all other documents that have been or will be submitted to the Minister responsible for administering the *Land Transfer Tax Act*, R.S.O. 1990, L.6 in connection with the conveyance.

Sworn/affirmed before me in the _____)
_____)
this _____ day of _____, 20 _____)
_____)
A Commissioner for taking Affidavits, etc.)

Signature(s)

Additional Information Regarding Conveyance

- B. (i) Address of land being conveyed *(if available)*:** _____

- (ii) Property Identifier No(s):** _____
- (iii) Assessment Roll No(s). *(if available)*:** _____
- C. Transferee's Address for Service (attach schedule if necessary):** _____
- D. Name(s) and address(es) of each transferee's solicitor (attach schedule if necessary):** _____

It is an offence to make, participate in, assent to or acquiesce in the making of a false or deceptive statement in this affidavit.

Personal information contained on this form is collected under the authority of sections 267, 270, 271, 366, 370, and 376 of the *City of Toronto Act*, 2006, and will be used for the proper administration and enforcement of the City of Toronto Municipal Land Transfer Tax, including but not limited to: (a) the collection and maintenance of a record related to the administration of the tax which is available to the general public, and (b) the determination of tax owed including determinations of eligibility for a rebate or refund of the City of Toronto Municipal Land Transfer Tax. Questions should be directed to Manager, Property Taxation and Assessment, City of Toronto, 5100 Yonge Street, Toronto ON M2N 5V7, (416) 338-4829.

INFORMATION AND INSTRUCTIONS

This information is intended to assist you in the completion of this Affidavit and does not replace the City of Toronto Municipal Land Transfer Tax By-law (By-law No. 1423-2007) (the "By-law") nor does it constitute a legal interpretation of the provisions of the By-law or the *City of Toronto Act, 2006, S. 0. 2006, c.11, Schedule A, as amended.*

Certain Definitions:

"Land Transfer Tax Act" means the *Land Transfer Tax Act, R.S.O. 1990, c.L.6, as amended* from time to time, and all regulations thereunder.

"Minister" means the Minister responsible for administering the *Land Transfer Tax Act*.

"Municipal Land Transfer Tax" means the tax imposed by the By-law including **all penalties and interest that are** or may be added to such tax pursuant to the By-law.

"Spouse" as defined in Section 29 of the Family Law Act: *"spouse" means a spouse as defined in subsection 1(1), and in addition includes either of two persons who are not married to each other and have cohabited,*

(a) continuously for a period of not less than three years, or

(b) in a relationship of some permanence, if they are the natural or adoptive parents of a child

Instructions for Filing this Affidavit (whether a conveyance is to be or has been registered electronically or non-electronically):

Amending a previous registration: Where an incorrect affidavit or electronic statement has been selected on registration and either a refund or additional payment is the result, an amended affidavit should be forwarded to the city, together with supporting documentation.

Prepaying the tax: Where tax is being prepaid and certification of payment is being sought, this affidavit should be presented to the city together with a copy of the conveyance and the agreement of purchase and sale.

Applying for certification that no tax is payable: Where an application is being made to certify that no MLTT is payable, the affidavit should be presented to the city together with documentation to support the claim.

Deponents:

This Affidavit must 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 a 100% interest in the land, the percentage ownership of each transferee must be clearly indicated beside their respective names. If the Minister has consented to a transferor making the affidavit for purposes of the *Land Transfer Tax Act* in connection with the conveyance, the transferor may do so for purposes of this Affidavit.

Value of the Consideration:

The amount of Municipal Land Transfer Tax 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 By-law 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 Municipal Land Transfer Tax owing is not paid.

Deeming Provisions:

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

- i) a lease of land where the term, including renewals and extensions, can exceed 50 years;
- ii) from trustee to trustee, where there has been a change in beneficial ownership since the trustee-transferor first took title;
- iii) 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;
- iv) to a corporation and shares of the corporation form part of the consideration; or
- v) from a corporation to any of its shareholders.

For more information, refer to the By-law.

Single Family Residences:

"single family residence" means a unit or proposed unit under the *Condominium Act (Ontario)* 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:

- 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 (Ontario)*.

Document Retention for Audit Requirements:

Every transferee is required to keep documents and records for a period of seven (7) years after the date on which a conveyance is registered or the information to which it relates is given to the City of Toronto unless written permission for earlier disposal is received from the City of Toronto. Such documents and records should include, without limitation, this Affidavit, any receipt, certification, verification and other correspondence and documents received from the City of Toronto, the Agreement of Purchase and Sale and any assignments or amendments thereof, the closing statement of adjustments and any documents and correspondence with the Minister in connection with Land Transfer Tax under the *Land Transfer Tax Act* with respect to the same conveyance.

Enquiries:

City of Toronto, Revenue Services Division
North York Civic Centre
5100 Yonge Street, Lower Level
Toronto ON M2N 5V7
Telephone (416) 338 4829
Facsimile (416) 696-3635

General information about Municipal Land Transfer Tax is also available on the City of Toronto website at www.toronto.ca