



Municipal Land Transfer Tax Rebate/Exemption

Conveyance Information

In the Matter of the Conveyance of (insert brief legal description of land):		
PIN:	Assessment Roll Number (21 digits, if available):	
Address of land being conveyed (if available):		Instrument Number:
Nature of Conveyance:		
Transferors Name(s):		
Transferees Name(s):		

Applicants for Rebate or Exemption

The following Transferees hereby apply for a rebate exemption. Where there is more than one Transferee, show percentage of ownership interest.

Transferee Name:	Percentage Interest (%):
Transferee Name:	Percentage Interest (%):

Affidavit

(Please note that an affidavit is required by or on behalf of every Transferee named in the conveyance)

I/we make and say that:

I am / we are (check one of the following)

- ☐ the Transferee or one of the Transferees name in the above described conveyance.
- ☐ all of the Transferees named in the above described conveyance.
- ☐ the president, vice president, secretary, treasurer, director, manager or other person authorized to act for the _____ Transferee and make these statements in such a capacity without personal liability.

I/we have personal knowledge of the facts stated in this affidavit.

I/we or the corporation of which I am an officer will provide all supporting documentation requested to substantiate the claim herein and will retain such documentation for a total of seven (7) years for audit purposes.

Total Value of Consideration (\$), excluding GST, is

Please check one of the following:

- ☐ The Transferee(s) entered into a bona fide Purchase and Sale Agreement on _____ (YYYY/MM/DD) and, if applicable, it was assigned to me/us by assignment or direction dated _____ (YYYY/MM/DD).
- ☐ I am/we are First Time Purchaser(s) and I/we will occupy the Eligible Home as my/our principal residence commencing on _____ (YYYY/MM/DD) which is within 9 months of the date of conveyance.
- ☐ The Transferee(s) is/are eligible for an exemption under the provisions of City of Toronto By-law No. 1423-2007 for the following reason: _____
- ☐ I am/we are not eligible for a rebate or exemption from Municipal Land Transfer, but have been advised that one or more of the other Transferees named in the above described conveyance will be applying for a partial rebate or exemption.



Municipal Land Transfer Tax Rebate/Exemption

Spousal Declaration

As defined by Section 29 of the *Family Law Act*

I, the spouse have not owned an Eligible Home, anywhere in the world, since becoming a spouse of the purchaser.

Name of Spouse:	Name of Purchaser:
Spouse Signature:	Date (YYYY/MM/DD):

Sworn/affirmed before me

Sworn/affirmed before me in the

this _____ day of _____, 20____

A Commissioner for taking Affidavits, etc.

Signature: _____
Print Name: _____

Signature: _____
Print Name: _____

Recipient Authorization

Where there is more than one Transferee and a rebate is being requested, one of the Transferees must be appointed as the recipient of the Municipal Land Transfer Tax Rebate.

The undersigned hereby authorize the following to be the recipient of the Municipal Land Transfer Tax Rebate for which we are applying and we agree that he/she will receive and distribute the rebate among all of the Transferees applying for rebate or exemption.

Authorized Recipient:	Solicitor Name:
Mailing Address of party designated to receive rebate: _____ _____ _____	Solicitor Address: _____ _____ _____
Telephone Number (during working hours):	Solicitor Telephone Number:

All Transferees applying for a rebate or exemption must complete their names and sign below. If the Transferee is a Corporation, the individual signing must be authorized to act on behalf of the Corporation.

Name:	Name:
Signature:	Signature:
Date (YYYY/MM/DD):	Date (YYYY/MM/DD):

Office Use Only

Municipal Land Transfer Tax Rebate/Exemption

Information

This information is intended to assist you in the completion of this Affidavit/Application and does not replace the City of Toronto Municipal Land Transfer Tax By-law (By-law No. 1423-2007), as amended (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.O. 2006, c.11, Schedule A, as amended.

It is an offence to make, participate in, assent to or acquiesce in the making of a false or deceptive statement in this Affidavit/Application. It is a serious offence to make a false exemption or rebate claim. False statements will disqualify your application. Disqualification may result in the recovery by the City of Toronto of any rebate already paid together with interest thereon. In addition, any person who knowingly contravenes any provisions of the By-law will, upon conviction, be subject to a fine of up to \$100,000.

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.

Rebate/Exemption Information

Grandfathering Exemption

The agreement must be a bona fide Agreement of Purchase and Sale entered into on or before December 31, 2007.

First Time Purchaser Rebate

Eligible Home

For First Time Purchasers, an eligible home includes certain newly constructed homes and resale homes. To ascertain whether the home you are purchasing is an eligible home, please refer to the definition of “Eligible Home” found in the By-law, as amended.

First Time Purchaser

To be eligible for this rebate, a transferee must be a “First Time Purchaser” as defined in the By-law, that is, an individual:

- who is at least 18 years old;
- who has never owned an eligible home anywhere in the world; and
- whose spouse has not owned an eligible home anywhere in the world while he or she was a spouse of the individual.

Occupancy Requirements for First Time Purchasers

The First Time Purchaser must occupy the home as his or her principal residence no later than 9 months after the date of Conveyance.

Spousal Declaration

A First Time Purchaser may claim a rebate of Municipal Land Transfer Tax in proportion to the interest in land acquired by him/her, plus the interest acquired by his/her spouse (provided that such spouse has not owned an eligible home, anywhere in the world, since becoming his or her spouse). In order for a First Time Purchaser to claim on behalf of both spouses, the “Spousal Declaration” must be signed by the First Time Purchaser’s spouse. An individual who has not previously owned a home cannot claim to be a “First Time Purchaser” if his/her spouse owned a home while being the spouse of that individual, in that case, neither spouse is eligible for a rebate.

Exempt Persons, Entities and Transactions

To ascertain whether you and/or the transaction are exempt from Municipal Land Transfer Tax, please refer to section 760-14 of the By-law.

Instructions

Full Exemption or Rebate

If you are eligible for an exemption or a rebate of the entire amount of Municipal Land Transfer Tax, you must, no later than ten (10) business days after tendering a conveyance for registration, deliver to the City of Toronto the following:

Municipal Land Transfer Tax Rebate/Exemption

- (i) an original signed copy of this Affidavit/Application
- (ii) a true copy of the registered conveyance including the Land Transfer Tax Affidavit made pursuant to the *Land Transfer Tax Act*, and
- (iii) true copies of all other documents, if any, that have been or will be submitted to the Minister in connection with the conveyance pursuant to the *Land Transfer Tax Act*.

Partial Rebate

If you are eligible for a partial rebate of Municipal Land Transfer Tax, you must, no later than three (3) business days after tendering a conveyance for registration, deliver to the City of Toronto the following:

- (i) a certified cheque or bank draft payable to the Treasurer, City of Toronto for the full amount of Municipal Land Transfer Tax owing with respect to the full amount of the value of the consideration,
- (ii) an original signed copy of this Affidavit/Application,
- (iii) a true copy of the registered conveyance including the Land Transfer Tax Affidavit made pursuant to the *Land Transfer Tax Act*, and
- (iv) true copies of all other documents, if any, that have been or will be submitted to the Minister in connection with the conveyance pursuant to the *Land Transfer Tax Act*.

No Eligibility for Exemption or Rebate

If none of the Transferees is entitled to a rebate or exemption from Municipal Land Transfer Tax, different procedures and forms are required. Please refer to www.toronto.ca/taxes for the required procedures and forms for non-electronic registrations.

Deponents

This Affidavit/Application must be made by or on behalf of each transferee named in the conveyance. Where any transferee is taking less than the whole interest in the land, the percentage ownership of each transferee must be clearly indicated beside their respective names.

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.

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/Application, 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.

Submit Application and Documents

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

Mail: Revenue Services
Municipal Land Transfer Tax
5100 Yonge Street
Toronto ON M2N 5V7

Phone: 416-338-4829

Fax: 416-696-3635

Personal information contained on this form is collected under the authority of the City of Toronto Act, S.O. 2006, Chapter 11, Schedule A, s. 136 (c), 267, 270, 271, 366, 370 and 376. The information 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.