



Ministry of Finance
 Audit Branch
 Compliance Programs Division
 33 King Street West
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 Oshawa ON L1H 8H9

Ontario Land Transfer Tax Refund Affidavit
For First-Time Purchasers of Eligible Homes
Land Transfer Tax Act

Ce formulaire est disponible en français

Please refer to instructions on reverse.

Registration No.
Date

In The Matter Of The Transfer Of (insert brief legal description of land)

BY (print name of all transferors in full) _____

TO (print name of all transferees in full) _____

I/we, (print names of all first-time home purchasers in full) _____

make oath and say that:

I/we are first-time home "purchaser(s)" as defined in the *Land Transfer Tax Act* (for definition of first-time home purchaser, see reverse);

I/we are acquiring an "eligible home" (for definition of eligible home, see reverse);

I/we will occupy the "eligible home" as my/our principal residence on _____, (yyyy/mm/dd) which is within 9 months of the date of Conveyance or Disposition; and

The Agreement of Purchase and Sale was entered into on _____ and, (yyyy/mm/dd) the total purchase price of the home, excluding GST/HST, is \$ _____.

I/we are acquiring a "newly constructed home", that is, a home for which I/we are entitled to a warranty under section 13 of the *Ontario New Home Warranties Plan Act* and is sold to me/us by a vendor as defined in that Act. The Ontario New Home Warranties Plan registration number for the builder of the newly constructed home is

____ (V/B Registration No. from the Ontario New Home Warranty Certificate). (Note: This must be completed where the date of the agreement entered into is before December 14, 2007.) If proof of entitlement is based on evidence other than a registration number, this evidence must be attached to this affidavit.

Ontario's Land Transfer Tax Calculation

A Land Transfer Tax Paid	B Land Transfer Tax Refund Claimed	C Net Land Transfer Tax Paid
\$ _____	\$ _____ (not to exceed \$2,000)	\$ _____ (A - B = C)

• I/we meet all of the above conditions and I/we accept this refund of \$ _____ granted under the Land Transfer Tax Refund Program for first-time home purchasers of eligible homes.

To be sworn in person by first-time home purchaser(s) before a Commissioner for taking Affidavits.

Sworn before me at the _____
 in the _____
 this _____ day of _____ 20____

 A Commissioner for taking Affidavits, etc.

Signature(s) of all first-time home purchasers

It is a serious offence to make a false affidavit. This affidavit is subject to audit and, where a person is not entitled to this refund, tax and interest will be assessed and a penalty may be imposed.

Spousal Declaration (To be completed when the spouse of a first-time home purchaser had owned a home previously, but **sold it prior to becoming a spouse of the first-time home purchaser.**) (For definition of spouse, see reverse.)

I _____ have **not** owned an eligible home, anywhere in the world, since becoming a spouse of _____ and we are spouses of each other as defined by s.29 of the *Family Law Act*.

Signature of first-time purchaser

Signature of spouse

Address of Home Purchased	Name(s) and Address(es) of Transferee's Solicitor
Telephone Number (Where you can be reached during working hours.) () -	Telephone Number of Solicitor () -

Instructions

Refund claims will be accepted directly by the ministry. No refund shall be made unless it is applied for within 18 months after the date of the conveyance or disposition. **All refund claims are subject to audit in accordance with the provisions of the *Land Transfer Tax Act*.**

Transferor

Includes any person making a conveyance of land to a transferee.

Transferee

Includes a person to whom land is conveyed and any person whose interest in land is increased, created or given effect to as the result of a conveyance.

First-Time Home Purchaser(s)

To claim this refund, a transferee **must be a first-time home “purchaser”** as defined, 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.

Eligible Home

An “eligible home” is:

- a detached house;
- a semi-detached house, including a dwelling house that is joined to another dwelling house at the footing or foundation by a wall above or below grade or both above and below grade;
- a townhouse;
- a share or shares of the capital stock of a co-operative corporation if the share or shares are acquired for the purpose of acquiring the right to inhabit a housing unit owned by the corporation;
- a mobile home that complies with the Canadian Standards Association Standard CAN/CSA-Z240 Mobile Homes and is suitable for year round permanent residential occupation;
- a condominium unit;
- a residential dwelling that is a duplex, triplex or fourplex;
- a partial ownership interest as a tenant in common of real property if the ownership interest was acquired for the purpose of inhabiting a housing unit forming part of the real property;
- a manufactured home, as defined in clause 9.2(1.1)(i) of the *Land Transfer Tax Act*; or
- any other residential property as may be prescribed.

Date of Agreement of Purchase and Sale

The “eligible home” must have been purchased following an agreement of purchase and sale that was entered into after December 13, 2007.

Note: If the agreement of purchase and sale was entered into before December 14 2007, a refund may be granted only if the home is a “newly constructed home”. See Tax Bulletin LTT 1-2008, *Land Transfer Tax Refunds for First-Time Home Buyers*.

Occupation Requirements

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

Total Purchase Price

The total purchase price is the total value of consideration. For newly constructed homes please consult Tax Bulletin LTT1-2006, *Determining The Value Of The Consideration For Transfers Of New Homes*.

Ontario Land Transfer Tax Calculation

The land transfer tax payable is calculated at a progressive rate on the value of the consideration (purchase price) paid for the home. Use the following rates to calculate the amount of land transfer tax applicable to your purchase:

- 0.5% on the amount of the value of the consideration up to \$55,000
- 1.0% on the amount of the value of the consideration over \$55,000 to \$250,000
- 1.5% on the amount of the value of the consideration over \$250,000 to \$400,000
- 2.0% on the amount of the value of the consideration over \$400,000

Ontario Land Transfer Tax Refund Calculation

The Land Transfer Tax Refund is the amount of tax payable that is being claimed as a refund up to a maximum of \$2,000. The first-time home purchaser may claim the full maximum amount or a proportion of the maximum refund amount. For example:

- cost of home = \$100,000; land transfer tax payable = \$725; land transfer tax refund = \$725
- cost of home = \$200,000; land transfer tax payable = \$1,725; land transfer tax refund = \$1,725
- cost of home = \$300,000; land transfer tax payable = \$2,975; land transfer tax refund = \$2,000

The refund amount is reduced when one or more of the transferees are not first-time home purchasers. The reduction will be proportionate to the interest in land acquired by the individuals who are not first-time home purchasers. For example, a parent who is not a first-time home purchaser and child who is a first-time home purchaser, purchase a home with equal 50/50 interests, the child may claim 50% of the land transfer tax refund. The child’s claim cannot exceed 50% of the maximum allowable refund, i.e., 50% of \$2,000.

Sworn Affidavit

Names of all first-time home purchasers who are claiming the refund should be listed on the affidavit and **all first-time home purchasers must sign the affidavit**. Transferees who are not first-time home purchasers cannot swear this affidavit and should only appear in the line requesting “print name of all transferees in full”. The affidavit must be sworn in person by the first-time home purchaser(s) before a commissioner for taking affidavits. Please note that a person who holds a power of attorney cannot swear this affidavit on behalf of the first-time home purchaser(s).

Spousal Declaration

An individual who has not previously owned a home cannot claim to be a “first-time home purchaser” if his or her spouse owned a home while being the spouse of the individual. If the spouse of the individual owned a home previously, but sold it prior to becoming the individual’s spouse, the spouse must sign the “Spousal Declaration”. In addition to claiming a refund of land transfer tax in proportion to the interest in land acquired by himself/herself, a “first-time home purchaser” may also claim a refund with respect to the interest acquired by his/her spouse (who previously owned a qualifying home prior to the time he or she became the spouse of the purchaser and sold the eligible home prior to becoming the spouse).

Spousal Definition

For land transfer tax purposes, “spouse” is defined as in s.29 of the Family Law Act. “Spouse” means:

- either of two persons who are married to each other, and also includes
- either of two persons who have continuously cohabited for a period of more than three years, or for a shorter period of time if they are the natural or adoptive parents of a child.

Enquiries

English (toll free)	1 866 ONT-TAXS (1 866 668-8297)
Teletypewriter (TTY)	1 800 263-7776
Fax	905 433-5770
Ministry website	ontario.ca/finance

These instructions are intended to assist you in the completion of the Affidavit and do not replace the law under which the Land Transfer Tax Refund is administered; nor do they constitute a legal interpretation of the provisions of the *Land Transfer Tax Act* and the regulations made thereunder.