



Ministry of Finance
 33 King Street West
 PO Box 625
 Oshawa ON L1H 8H9

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

Registration No.
Date

Ce formulaire est disponible en français
Please refer to instructions on reverse.

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 _____, which is within 9 months of the date of Conveyance or Disposition; and (yyyy/mm/dd)
- 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
\$ _____	\$ _____	\$ _____ (A – B = C)

Regardless of when the agreement of purchase and sale was entered into the following maximum refund amounts apply:

- For conveyances and dispositions that occur before January 1, 2017, the maximum amount of the refund is \$2,000
- For conveyances and dispositions that occur on or after January 1, 2017, the maximum amount of the refund is \$4,000
- 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 _____ 2 _____

} _____
 Signature(s) of all first-time home purchasers

A Commissioner for taking Affidavits, etc. 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*.

_____ Name of spouse
 _____ Name of first-time home purchaser

_____ 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.

If the conveyance or disposition of the qualifying home occurs on or after January 1, 2017, and the agreement of purchase and sale for the home is entered into after November 14, 2016, an individual who is a Canadian citizen or permanent resident of Canada

- an individual who is not a Canadian citizen or permanent resident of Canada who would otherwise be eligible for a refund becomes eligible for the refund if he or she becomes a Canadian citizen or permanent resident of Canada within 18 months after the date of the conveyance or disposition.

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”.

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 if the conveyance or disposition occurs prior to January 1, 2017 regardless of when the agreement of purchase and sale was entered into or if the agreement of purchase and sale was entered into prior to November 14, 2016 and the conveyance or disposition occurs on or after January 1, 2017:

- 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

If the agreement of purchase and sale was entered into after November 14, 2016 and the conveyance or disposition occurs on or after January 1, 2017, the above rates apply. In addition, if the value of consideration is \$2,000,000 or over, the following rate applies:

- 2.5% on the amount of the value of consideration over \$2,000,000

Ontario Land Transfer Tax Refund Calculation

The Land Transfer Tax Refund is the amount payable that is being claimed as a refund. Regardless of when the agreement of purchase and sale was entered into, the maximum refund amount of \$2,000 is available if the conveyance or disposition occurs prior to January 1, 2017 after which the maximum refund increases to \$4,000. The first-time home purchaser may claim the full amount or a proportion of the maximum refund amount. For example, if the conveyance or disposition occurs prior to January 1, 2017:

- 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

Regardless of when the agreement of purchase and sale was entered into, the maximum refund amount of \$4,000 is available if the conveyance or disposition occurs on or after January 1, 2017. The first-time home purchaser may claim the full amount or a proportion of the maximum refund amount.

For example, if the conveyance or disposition occurs on or after January 1, 2017:

- 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 = \$2,975
- cost of home = \$400,000; land transfer tax payable = \$4,475; land transfer tax refund = \$4,000

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 a child who is a first-time home purchaser, purchase a home with equal 50/50 interests. Regardless of when the agreement of purchase and sale is entered into, the child may claim 50% of the land transfer tax refund, i.e., 50% of \$2,000 if the conveyance or disposition occurs prior to January 1, 2017, or 50% of \$4,000 if the conveyance or disposition occurs on or after January 1, 2017.

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.

Personal information contained in this affidavit is collected under the authority of the *Land Transfer Tax Act*, R.S.O. 1990, c. L.6, as amended, ss.22(1), and will be used to determine eligibility for a refund of land transfer tax. Questions about the collection of this information should be directed to: Manager, Land Taxes, Ministry of Finance, 33 King Street West, PO Box 625, Oshawa ON L1H 8H9, 1-866 ONT-TAXS 1-866-668-8297 Ext. 18114 or Teletypewriter (TTY) at 1-800-263-7776.