



The explanations provided in this guide represent a brief summation of the law. Where there is a conflict between the wording in this guide and the *Property Transfer Tax Act* and Regulations, the statute shall prevail.

GENERAL INFORMATION

Tax is payable by the purchaser or transferee at the time the application to register a transfer is presented to the land title office. An original property transfer tax return must accompany every application to register a taxable transaction at a land title office. Photocopies of the return will **not** be accepted under any circumstances.

A **GENERAL** tax return (FIN 579 General) is used when an exemption from tax is not being claimed. A **SPECIAL** tax return (FIN 579 Special) is used when an exemption is being claimed or where the transitional rate of tax is being paid. A *First Time Home Buyers' Property Transfer Tax Return* (FIN 269) and instruction guide (**FIN 269 Guide**) must be used if an exemption under the **First Time Home Buyers' (FTHB) Program** is being claimed. In all cases, the tax return must be signed by the transferee or person with authority to sign on behalf of the transferee.

If a tax return is not completed and the tax is not paid to the registrar, the application to register a transaction may be refused by the land title office. Payment must be in cash or by cheque made payable to the Land Title and Survey Authority of British Columbia.

Assistance in completing the tax return may be obtained by calling the Property Transfer Tax Administrator's Office at 250 387-0604 or toll-free at 1 888 355-2700. Information regarding return completion is also available on our website at gov.bc.ca/propertytransfertax

TRANSACTIONS REQUIRING A PROPERTY TRANSFER TAX RETURN

A return must be filed with an application to register any of the following at a land title office:

- a transfer of an estate in fee simple
- a change of name application under section 191 of the *Land Title Act* as it applies to an amalgamation, however affected
- an agreement for sale
- a cancellation of an agreement for sale
- a life estate
- a lease
- an assignment of a lease
- a foreclosure
- a Crown grant
- a lease modification agreement
- a Crown lease

EXEMPTIONS

Transactions listed below are exempt from tax. Part F of the **SPECIAL** tax return must be completed and the appropriate exemption code entered on line F2. On the electronic tax return, the first field "Are you claiming an exemption?" must be completed.

A review is made of exemption claims to ensure compliance with the legislation. If the requirements of the exemption claimed are not met in their entirety, an assessment of tax will be issued.

DEFINITIONS

Note: Exemption codes 05, 06, 40, 41 and 42 apply only to **related individuals**.

A **related individual** includes **only** a person's spouse (further defined below), child, grandchild, great-grandchild, parent, grandparent or great-grandparent, the spouse of a person's child, grandchild or great-grandchild, or the child, parent, grandparent or great-grandparent of a person's spouse (note: child includes a stepchild).

A **spouse** means a person who is married to another person or is living with another person in a marriage-like relationship for at least two years.

Related individuals must be Canadian citizens or permanent residents as defined in the *Immigration and Refugee Protection Act* (Canada) [section 14(1)].

Note: Exemption codes 07 and 18 apply only to transfers between related individuals (see definition above), siblings or spouses of siblings.

Siblings and spouses of siblings must be Canadian citizens or permanent residents as defined in the *Immigration and Refugee Protection Act* (Canada) [section 14(1)].

PRINCIPAL RESIDENCE EXEMPTIONS

For the purpose of these exemptions, a person can have only one principal residence at a time.

The transfer of a principal residence between related individuals may be exempt in full or in part if **all** of the restrictions outlined in the individual exemptions are met. In order to qualify as a principal residence, the improvements on the property must be designed to accommodate three or fewer families.

For 05, 40, 41 and 42 exemption claims: A **full** exemption is granted only where all of the improvements are classified as residential by British Columbia Assessment and the land does not exceed 0.5 hectares (1.24 acres) in size. A **partial** exemption may be available for properties that do not meet this description. Complete Part J of the **SPECIAL** tax return or Part H on the electronic tax return to determine the amount of the partial exemption as explained below.

- 05 A transfer of a principal residence, or an interest in a principal residence, to a related individual where either the transferee or the transferor resided on the property for the six months immediately prior to the transfer and the transferor is not a trustee referred to in sections 14(3)(c), (d) or (e). The transfer may not be fully exempt (see Calculation of Principal Residence Exemption Amount below) [section 14(3)(b)].
- 40 A transfer of a principal residence, or an interest in a principal residence, from a trustee of a deceased's estate, who is registered as such under the *Land Title Act*, to a beneficiary of the estate who was a related individual of the deceased at the time of death and, immediately before the deceased's death, the land transferred was the principal residence of the deceased or had been the principal residence of the beneficiary for a continuous period of at least six months. The transfer may not be fully exempt (see Calculation of Principal Residence Exemption Amount below) [section 14(3)(c)].

- 41 A transfer of a principal residence, or an interest in a principal residence, from a trustee of a trust settled in the lifetime of the settlor, who is registered as such under the *Land Title Act*, to a beneficiary of the trust who is a related individual to the settlor of the trust and the land transferred has been the principal residence of the settlor or the beneficiary for a continuous period of six months immediately prior to the transfer. The transfer may not be fully exempt (see Calculation of Principal Residence Exemption Amount below) [section 14(3)(d)].
- 42 A transfer of a principal residence, or an interest in a principal residence, from a trustee of a trust settled in the lifetime of the settlor, who has been continuously registered as such under the *Land Title Act* since August 18, 1990, to a beneficiary of the trust who is a related individual to the settlor of the trust, and the land transferred was the principal residence of the settlor of the trust. The transfer may not be fully exempt (see Calculation of Principal Residence Exemption Amount below) [section 14(3)(e)].

CALCULATION OF PRINCIPAL RESIDENCE EXEMPTION AMOUNT

Note: All land sizes must be converted to hectares.

A transfer is fully exempt where:

1. all the improvements (buildings) on the land are classified as residential by British Columbia Assessment, and
2. the land does not exceed 0.5 hectares (1.24 acres) in size.

A partial exemption is available where:

1. the improvements (buildings) are not all classified as residential; only the fair market value of buildings classified as residential is to be included in the exempt amount, and/or
2. the land exceeds 0.5 hectares in size. The exempt portion of land is restricted to the value of the 0.5 hectare portion. This portion is calculated by dividing the fair market value of the bare land by the total area (in hectares), multiplying the result by 0.5 hectares.

Part J of the SPECIAL tax return or Part H on the electronic tax return sets out the partial exemption calculation.

OTHER EXEMPTION CODES

- 00 If there is more than one applicable exemption, claim this code and provide details in an attached letter. However, we recommend contacting our office before claiming this exemption code.
- 06 A transfer of a recreational residence where, regardless of the interest in the parcel being transferred, the parcel has a fair market value of no more than \$275,000 and is five hectares or less:
- to a related individual, provided the transferor is not a trustee referred to in sections 14(3)(c), (d) or (e) [section 14(3)(a)], or
 - from a trustee of a deceased's estate, who is registered as such under the *Land Title Act*, to a beneficiary who was a related individual of the deceased at the time of death and, immediately before the deceased's death, the land transferred was the deceased's recreational residence [section 14(3)(c)], or
 - from a trustee of a trust settled in the lifetime of the settlor, who is registered as such under the *Land Title Act*, to a beneficiary who is a related individual to the settlor of the trust [section 14(3)(d)].
- 07 A transfer of a family farm:
- to a related individual, a sibling or a spouse of a sibling, provided the transferor is not a trustee referred to in sections 14(3)(c.2) or (d.2) [section 14(3)(a)], or
 - from a trustee of a deceased's estate, who is registered as such under the *Land Title Act*, to a beneficiary who, at the time of the deceased's death, was a related individual of the deceased, a sibling of the deceased or a spouse of a sibling of the deceased and, immediately before the deceased's death, the land transferred was the deceased's family farm [section 14(3)(c.2)], or
 - from a trustee of a trust settled in the lifetime of the settlor, who is registered as such under the *Land Title Act*, to a beneficiary who is a related individual of the settlor, a sibling of the settlor or a spouse of a sibling of the settlor and the land transferred is a family farm [section 14(3)(d.2)].
- 08 A transfer to the survivor of a joint tenancy as a result of the death of a joint tenant [section 14(3)(m)].
- 09 A transfer to a personal representative of the deceased (administrator or executor) where the property transferred is part of the deceased's estate [section 14(3)(q)].
- 10 A transfer to a trustee, who is registered as such under the *Land Title Act*, by two or more registered owners of adjacent parcels of land in order to complete a plan of subdivision, and the transfer(s) back to the original owners after registration of the plan of subdivision, provided there is no change in each original owner's proportionate share of the fair market value of the land held before and after subdivision [section 14(4)(k) and (k.1)]. **Bulletin PTT 006, Exemptions for Transfers in the Course of Subdivisions**, provides important information on this exemption. The bulletin is available on our website at gov.bc.ca/propertytransfertax
- 12 A transfer:
- to a trustee in bankruptcy of land that forms part of the estate of the bankrupt [section 14(3)(n)], or
 - of the same land from the trustee back to the bankrupt [section 14(3)(o)], or
 - of a property, which was the principal residence of the bankrupt immediately before bankruptcy, from the trustee to the spouse or former spouse of the bankrupt [section 14(3)(p)],
- if no consideration for the transfer is paid by, or on behalf of, the transferee. The administrator will, by separate mailing, seek a declaration from the Trustee in Bankruptcy.
- 13 A transfer of the vendor's interest under an agreement for sale, if the transferee is not the purchaser under the agreement for sale [section 14(4)(l)].
- 14 A transfer made in accordance with a registered agreement for sale where the purchaser under the agreement for sale, or their assignee, is the transferee and where tax was paid at the time the agreement for sale or assignment of the agreement for sale was registered, as the case may be [section 14(3)(l)].
- 15 A transfer made in accordance with a written separation agreement or a court order under the *Family Relations Act* where the transferee and transferor are spouses or former spouses of each other. Please attach a copy of the signed separation agreement, court order or divorce decree to the tax return [section 14(3)(h)].

- 16 A transfer changing a joint tenancy to a tenancy in common where the persons holding the interests remain the same after the transfer as before, and each person owning an interest in the land after the transfer has an interest equal to that of the other owners [section 14(3)(i)].
- 17 Registration of a lease agreement with a term of 30 years or less, including all extensions, remaining at the date of registration of the agreement [section 14(4)(o)].
- 18 A transfer of a family farm:
- to a family farm corporation, provided the transferor is not a trustee referred to in sections 14(3)(c.1) or (d.1) if the transferor is the sole shareholder of the family farm corporation, or if each of the other shareholders of the family farm corporation is a related individual of the transferor, a sibling of the transferor or a spouse of a sibling of the transferor, and the land transferred is a family farm [section 14(3)(f)], or
 - from a family farm corporation if the transferee is the sole shareholder of the family farm corporation, or if the transferee is a related individual, a sibling, a sibling of a spouse or the spouse of a sibling of each other person who is a shareholder of the family farm corporation, and the land transferred is a family farm [section 14(3)(g)], or
 - from a trustee of a deceased's estate, who is registered as such under the *Land Title Act*, to a family farm corporation if, at the time of the deceased's death, the relationship between the deceased and each other person, if any, who is a shareholder of the family farm corporation was one of the following: the shareholder was a related individual of the deceased, the shareholder was a sibling of the deceased, or the shareholder is a spouse of a sibling of the deceased and, immediately before the deceased's death, the land transferred was the deceased's family farm [section 14(3)(c.1)], or
 - from a trustee of a trust settled in the lifetime of the settlor, who is registered as such under the *Land Title Act*, to a family farm corporation if, at the time of the transfer, the relationship between the settlor and each other person, if any, who is a shareholder of the family farm corporation is one of the following: the shareholder is a related individual of the settlor, the shareholder is a sibling of the settlor, or the shareholder is a spouse of a sibling of the settlor and the land transferred is the settlor's family farm [section 14(3)(d.1)].
- 19 A transfer by which land reverts, escheats or forfeits to the Crown, or the transfer back to the original owner [section 14(3)(k)].
- 20 A transfer to a regional district, a municipality, an improvement district, the Islands Trust, a board of school trustees as defined in the *School Act*, a francophone education authority as defined in the *School Act*, the Okanagan Basin Water Board, a water users' community as defined in the *Water Act*, a regional hospital district, a library board as defined in the *Library Act*, a greater board as defined in the *Community Charter* or any board incorporated by letters patent that provides services similar to those of a greater board [section 14(3)(s)].
- 21 A transfer of a life estate, where the transferee of the life estate transferred the fee simple estate in the property to the transferor of the life estate in a concurrent transaction [section 14(3)(r)].
- 22 A transfer to a registered charity as defined by section 248(1) of the *Income Tax Act* (Canada) if the land will be used for a charitable purpose. Please provide the charity's income tax registration number on line F2 of the SPECIAL tax return or line G2 on the electronic tax return [section 14(4)(b)].
- A transfer to a person if:
- the land is held by the person for a congregation, religious organization or religious society under the *Trustee (Church Property) Act*, the *Lutheran Student Foundation of British Columbia Act*, the *United Church of Canada Act* or *An Act Respecting the President of the Lethbridge Stake of the Church of Jesus Christ of Latter-day Saints* (Canada),
 - the congregation, religious organization or religious society is a registered charity as defined in section 248(1) of the *Income Tax Act* (Canada), and
 - the land will be used for a charitable purpose [section 37(2)(b)].
- 23 A transfer to:
- a board or council as defined by section 1 of the *Health Authorities Act* [section 14(4)(a)], or
 - a designated educational institution as defined in section 118.6(1)(a) of the *Income Tax Act* (Canada) where the land being transferred will be used for an educational purpose [section 14(4)(c)], or
 - a corporation established under the *University Foundations Act* or the *Trinity Western University Foundation Act* [section 14(4)(d)], or
 - an educational institution that receives grants under the *Independent School Act*, if the land being transferred will be used for an educational purpose [section 14(4)(i)], or
 - the corporation or the committee established under the *First Peoples' Heritage, Language and Cultural Act* [section 14(4)(j)].
- 25 A transfer from a settlor to the Public Guardian and Trustee, or a trustee that is a trust company under the *Financial Institutions Act* authorized to carry on trust business by an authorization under that Act, if:
- the settlor is a natural person,
 - the settlor was the registered owner of the fee simple interest in the land immediately before the transfer to the trustee,
 - the administration of the trust estate is for the sole benefit of the settlor, and
 - on the termination of the trust, the land reverts to the settlor or to the executor or administrator of the settlor's estate [section 14(4)(p)].
- A transfer from a trustee of a trust referred to in section 14(4)(p) to the settlor of the land being transferred [section 14(4)(p.1)].
- A transfer to the Public Guardian and Trustee if:
- the land transferred is to be held in trust for the sole benefit of a minor,
 - the minor is a related individual of the transferor or of the person whose estate is the transferor, and
 - the land transferred is a family farm or a recreational residence or was the principal residence of the transferor, or the person whose estate is the transferor, or of the minor [section 14(4)(p.2)].
- A transfer from the Public Guardian and Trustee if:
- the land was held in trust for the sole benefit of a minor, and
 - the transferee is the beneficiary of the trust [section 14(4)(p.3)].
- 26 A transfer from a transferor to a transferee, each of whom is registered under the *Land Title Act* as a trustee of the land, if the change in trustee is for reasons that do not relate directly or indirectly to a change in beneficiaries or in a class of beneficiaries or a change in the terms of the trust [section 14(4)(q)].

Note: If this exemption is claimed, the administrator may, by separate mailing, seek a declaration from the transferor and the transferee.

- 27 A conveyance that is a Crown Grant confirmed in writing by Land and Water British Columbia Inc. prior to November 1, 1987. Please attach a copy of the letter of commitment or offer to purchase verifying that the grant was agreed to in writing prior to November 1, 1987 [section 5(2)(v.4) Dec. 5/94 consolidation].
- 28 A transfer where the government of British Columbia is the transferor and the transaction has been designated by the Minister of Finance as exempt from payment of tax under this Act. Please attach a copy of the minister's designation [section 14(3)(v)].
- 29 A transfer to a mortgagee, if the mortgagee was the immediately-preceding registered owner of the property [section 14(4)(m)].
- 30 A transfer arising from the cancellation of an agreement for sale where the transferee is the original vendor under the agreement for sale [section 14(4)(n)].
- 31 A transfer consisting of a lease, sublease or right to occupy premises, coupled with a concurrent transfer of the estate in fee simple or a right to purchase the estate in fee simple to the same land, and the lessee and the transferee are the same and tax was paid on the registration of the transfer or the right to purchase [section 14(4)(v)].
- 32 A transfer to a veteran or the spouse or surviving spouse of a veteran from the Director of the *Veterans' Land Act* (Canada) [section 14(4)(r)].
- 34 A transfer, immediately following the registration of a subdivision of a single parcel of land into smaller parcels, if each transferee acquires a registered interest in one or more parcels having a proportionate share in the total fair market value of the new parcels that is no greater than the proportionate share in the fair market value of the original parcel they held immediately before the subdivision [section 14(3)(j)]. **Bulletin PTT 006, Exemptions for Transfers in the Course of Subdivisions**, provides important information on this exemption. The bulletin is available on our website at gov.bc.ca/propertytransfertax
- 35 A transfer for the purpose of reconveying property:
 - that was conveyed in error, or
 - in respect of which an error was made in the description or survey under which the title to the property was registered, provided that the administrator is satisfied the transfer was made for that purpose [section 14(4)(t)].
- 37 A transfer to the Crown in right of Canada, or to a corporation listed in Schedule 1 of the *Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act* (Canada) [section 14(4)(s)].
- 38 An application under section 191 of the *Land Title Act* in respect of an amalgamation under Division 3 of Part 9 of the *Business Corporations Act*, under sections 181 to 186 of the *Canada Business Corporations Act* (Canada) or under similar provisions of an enactment of Canada or of a province. A copy of the amalgamation certificate may be requested [section 14(4)(u)].
An application under section 17(5) of the *Society Act* in respect of an amalgamation of two or more British Columbia societies under section 17 of the *Society Act*. A copy of the certificate of incorporation respecting the amalgamation may be requested [section 14(4)(w)].
- 39 A transfer to the government of British Columbia in accordance with a bylaw under section 27 [exchange or other disposal of park land] of the *Community Charter* or section 304 [exchange of park land] of the *Local Government Act* or a transfer to the government from a municipality for the purposes of exchanging land necessary for improving, widening, straightening, relocating or diverting a highway [section 14(3)(t) or (t.1)].
- 43 A transfer of land encumbered by a restrictive covenant requiring the property, or portion thereof, to be preserved, protected or conserved in its natural state, and the restrictive covenant has, or soon will be, approved by an Order in Council [section 16].
- 44 A transfer of land to the Provincial Capital Commission where the land transferred is used solely for park purposes [section 14(3)(u)].
- 45 A transfer:
 - to a liquidator appointed under section 277 or 284 of the *Strata Property Act* of land referred to in section 277(3)(c)(i) or (ii) of that Act [section 14(3)(p.1)], or
 - under section 275 of the *Strata Property Act* of land that was shown on a strata plan cancelled under that section [section 14(3)(p.2)].
- 46 A transfer of land for which an exemption applies under a Final Agreement or a Tax Treatment Agreement with a Treaty First Nation [section 2.2].
- 47 A transfer to facilitate an amendment to a strata plan under Division 1 of Part 15 of the *Strata Property Act*, or under Division 1 of Part 15 in combination with section 80 and/or section 253 of the *Strata Property Act* [section 14 (3) (p.3)].
- 48 A transfer of a life estate, if:
 - immediately before the transfer, a mortgage is registered as a charge on the same land,
 - the transferee of the life estate was the tenant-for-life under a registered life estate in the same land, but the life estate was cancelled immediately before the registration of the mortgage charge referred to above, and
 - the transfer of the life estate is on the same land, from the same transferor to the same transferee, and on the same conditions as the cancelled life estate [section 14(3)(r.1)].
- 49 A transfer of a property under the new housing exemption [section 12.02-12.08]. See our webpage [Newly Built Home Exemption](#) for information.

TRANSITIONAL TAX

The following transactions qualify for the transitional rate (0.1%) of tax.

- 03 A transfer pursuant to an agreement for sale or lease registered before March 23, 1987, where the transferee is the purchaser under the agreement for sale or the lessee under the lease [section 38(d) or (e)].
- 04 A transfer pursuant to a court order or an order absolute of foreclosure, where the order was given before March 23, 1987, or an option to purchase contained in a Crown lease entered into prior to November 1, 1987, provided the lessee notified the Minister of Forests of their intention to purchase before January 1, 1989 [section 38(f)(g) or (h)]. Please attach a copy of the letter exercising this option.

Complete the calculation in Part G of the SPECIAL tax return and insert the appropriate exemption code (03 or 04) on line F2 of the return. The taxable amount on line F3 must be entered as NIL and the amount on line F1 must be entered on line G1.

When completing the electronic tax return, select exemption code 03 or 04 and complete Part I. The tax calculation will be done automatically.

ELECTRONIC TAX RETURN INSTRUCTIONS

Field accessibility

The electronic tax return has been programmed to automatically adjust form field accessibility based on the chosen exemption code. In other words, if information cannot be entered into a given field, it is not required. Accessible fields (read/write) are solid grey while inaccessible fields (read-only) are shown with a thin grey border.

Selecting an exemption code

Select the exemption code before beginning data entry. If the default exemption code of “None – No Exemption claimed” is correct, simply tab to the next field. Otherwise, use the mouse to click the dropdown control and select the applicable exemption code.

Tabbing to the next field will prompt the form to update field accessibility based on the newly chosen exemption code¹. To change the exemption code during an edit session, return the cursor to the exemption code selection box and make the new selection. Once again, tab out of the control to trigger a field accessibility update.

NOTE: A change in exemption code may result in previously entered field information being erased. A field value will remain after an exemption code change **only** if the field in question is a required field enforced by the new exemption code.

Tabbing order

The tabbing order is the order in which the input focus moves from field to field as the Tab key is pressed. The tabbing order has been designed to move through the fields in a logical manner, beginning at the top of the form and ending at the digital signature field. Tabbing will advance the cursor between accessible fields only.

Fly-over hints

Resting the mouse cursor over an accessible field (solid grey) will display a fly-over hint designed to assist in determining the correct type and/or length of information expected for a given field. Fly-over hints have not been included for all fields.

Form field error messages

Many fields on the form contain validation rules that check the data keyed into a field. Validations are performed after tabbing out of a field's boundary. If presented with a warning, return to the last field and update as requested in the warning message.

Copy function

To automatically copy the Part A purchaser/transferee address information from the first purchaser to the second purchaser section, or address information, use the yellow “copy above” buttons.

Additional pages

If there is not enough space in Parts A, C or D (e.g. more than two purchasers, vendors or Parcel Identifiers to be entered), additional pages may be added to the form. Look for the yellow labels marked “If insufficient space, click here to attach details” within the applicable section. Clicking these labels will append a new form to the end of the document, providing additional space. Once the new form is filled out, use the red return arrow in the top left corner of the newly appended page to return to the main form.

NOTE: Only one attachment page may be added from the front page of the electronic form. If additional attachment pages are required, use the yellow button located in the lower right corner of any attachment page marked “Add another page”. Clicking this button will append a new page of the same type to the end of the document.

Deleting additional pages

Mistakenly added or unwanted attachment pages may be removed. Move to the unwanted page using either the Page Down key or the document navigation arrows on the top menu bar. With the page to delete in view, choose Document > Delete Pages and click OK to delete.

NOTE: Please do not delete pages 1 through 3 of the form, as errors will occur when uploading the form to the LTB Electronic Front Counter.

Keeping file size to a minimum with “Save-As”

Excessively large files can slow down the upload time to the LTB Electronic Front Counter system. Different factors contribute to the final size of a completed form. Depending on the content and the number of modifications, such as additional pages, the completed electronic form may be substantially larger than the original master template it was initiated from.

Acrobat's Save-As command can reduce the file size by as much as 80%. The Save-As command forces Acrobat to re-write a file from scratch, eliminating redundant information. A Save-As command should be performed prior to applying a digital signature, as it constitutes a change to the file and will invalidate a previous digital signature, resulting in an error when uploading the file to the LTB Electronic Front Counter.

Using “Reset” to start a new form

A yellow reset button has been added to the top of the electronic form. The reset button erases all entered information, allowing a new form to be created from scratch, which saves the step of initiating a new document from the template master.

To create a new file:

- save the current file
- click the reset button
- click OK to confirm the reset
- use Save-As to rename the file and save it
- complete the new form

NOTE: The reset button is locked out and may not be used after applying a digital signature.

Where can I get more information?

Additional information about completing the tax return or answers to questions regarding the property transfer tax and possible exemptions may be found by calling the Property Taxation Branch, Property Transfer Tax Office at 250 387-0604 or toll-free at 1 888 355-2700.

¹ The mouse cursor will intermittently resemble a small calculator during exemption code changes.