



# TSAWOUT FIRST NATION

7728 Tetayut Rd.  
SAANICHTON, British Columbia V8M 2E4  
Phone: (250) 652-9101 Fax: (250) 652-9114

## PROPERTY TRANSFER TAX EXEMPTION RETURN

- Use this form only if you are claiming an exemption from the tax under section 12 of the *Tsawout First Nation Property Transfer Tax Law, 2023*.
- If you are not claiming an exemption, please use the *Property Transfer Tax General Return*.
- If you need more space when completing this Return, please attach additional pages with details.
- A completed Return must be submitted with the application for registration of the taxable transfer. Applications for registration will not be accepted without a completed Return.
- A transferee who provides false or misleading information in a Return is subject to a penalty and interest in accordance with the *Tsawout First Nation Property Transfer Tax Law, 2023*.
- All Returns are subject to review and reassessment in accordance with the *Tsawout First Nation Property Transfer Tax Law, 2023*.

DATE
TAX PAID \$
EXEMPTION CODE CLAIMED:

### A. TRANSFEREE (PURCHASER)

Number of purchasers acquiring an interest in the property with this transaction: \_\_\_\_\_

PURCHASER 1 - SURNAME	FIRST NAME	INITIAL
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ADDRESS (include street or PO box number)

CITY/TOWN	PROV	POSTAL CODE
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Percentage interest being acquired: \_\_\_\_\_

PURCHASER 2 - SURNAME	FIRST NAME	INITIAL
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ADDRESS (include street or PO box number)

CITY/TOWN	PROV	POSTAL CODE
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Percentage interest being acquired: \_\_\_\_\_

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**B. CONTACT NAME AND MAILING ADDRESS** (if different than A above)

CONTACT NAME

TELEPHONE NUMBER

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ADDRESS (include street or PO box number)

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CITY/TOWN

PROV

POSTAL CODE

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**C. TRANSFEROR (VENDOR)**

SURNAME

FIRST NAME

INITIAL

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SURNAME

FIRST NAME

INITIAL

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**D. DESCRIPTION OF PROPERTY AND TRANSFER**

1. REGISTRATION DATE OF TAXABLE TRANSFER: \_\_\_\_\_ DATE OF TRANSFER AGREEMENT: \_\_\_\_\_

2. ADDRESS OF THE PROPERTY: \_\_\_\_\_

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3. LEGAL DESCRIPTION OF THE PROPERTY: \_\_\_\_\_

4. TAXABLE TRANSFER RELATED TO:

 VACANT LAND LAND WITH IMPROVEMENTS

5. PROPERTY TYPE:

 RESIDENTIAL COMMERCIAL OTHER: \_\_\_\_\_

6. TAXABLE TRANSFER TYPE:

 DISPOSITION OF LEASE (INCLUDING TRANSFER, GRANT, ASSIGNMENT) LEASE EXTENSION (MODIFICATION AGREEMENT) OPTION TO RENEW OR EXTEND LEASE LIFE ESTATE IN LEASE AGE OF TRANSFEREE ON REGISTRATION DATE: \_\_\_\_\_ YEARS

7. PREPAID LEASE:

 YES NO

8. TERM: \_\_\_\_\_ YEARS

9. PERCENTAGE OF THE PROPERTY BEING TRANSFERRED IN THIS TAXABLE TRANSFER: \_\_\_\_\_

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**E. DETERMINATION OF FAIR MARKET VALUE**

1 PREPAID LEASE:

GROSS PURCHASE PRICE:

\$ \_\_\_\_\_

OTHER CONSIDERATION PAID:

\$ \_\_\_\_\_

PROPERTY TAKEN IN TRADE:

\$ \_\_\_\_\_

2 LEASE THAT IS NOT PREPAID (INCLUDING AN OPTION TO RENEW OR EXTEND THE TERM):

A FAIR MARKET VALUE OF FEE SIMPLE INTEREST, INCLUDING IMPROVEMENTS:

\$ \_\_\_\_\_

OR

B LUMP SUM CONSIDERATION PAID:

\$ \_\_\_\_\_

ANNUAL RENTAL PAYMENT IN LAST YEAR RENT FIXED:

\$ \_\_\_\_\_

3 LEASE OF PART OF IMPROVEMENTS ON LAND:

FAIR MARKET VALUE OF FEE SIMPLE INTEREST, INCLUDING IMPROVEMENTS: \$ \_\_\_\_\_

AGGREGATE RENTABLE AREA: \_\_\_\_\_

AGGREGATE RENTABLE AREA OF IMPROVEMENTS: \_\_\_\_\_

4 LEASE MODIFICATION AGREEMENT:

A IF 100 YEARS OR LESS

LUMP SUM CONSIDERATION PAID: \$ \_\_\_\_\_

ANNUAL RENTAL PAYMENT IN LAST YEAR RENT FIXED: \$ \_\_\_\_\_

B IF GREATER THAN 100 YEARS

FAIR MARKET VALUE OF FEE SIMPLE INTEREST, INCLUDING IMPROVEMENTS: \$ \_\_\_\_\_

5 LIFE ESTATE IN A LEASE:

FAIR MARKET VALUE OF LEASEHOLD INTEREST IN LAND, DETERMINED AS THOUGH THE LIFE ESTATE DID NOT EXIST: \$ \_\_\_\_\_

**F. ADDITIONAL INFORMATION**

IF THE GROSS PURCHASE PRICE DIFFERS FROM THE FAIR MARKET VALUE, INDICATE THE REASON FOR THE DIFFERENCE:

RELATED PARTY     TRADE     FORECLOSURE     DISTRESS SALE

OTHER: \_\_\_\_\_

IF OTHER PROPERTY TAKEN IN TRADE, INDICATE LEGAL DESCRIPTION AND ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_

**G. PROPERTY TRANSFER TAX CALCULATION**

FAIR MARKET VALUE OF TAXABLE TRANSFER: \$ \_\_\_\_\_

1% ON FIRST \$200,000 FAIR MARKET VALUE: \$ \_\_\_\_\_

2% ON FAIR MARKET VALUE EXCEEDING \$200,000 BUT NOT EXCEEDING \$2,000,000: \$ \_\_\_\_\_

3% ON FAIR MARKET VALUE EXCEEDING \$2,000,000: \$ \_\_\_\_\_

ADDITIONAL 2% ON FAIR MARKET VALUE OF RESIDENTIAL PROPERTY EXCEEDING \$3,000,000: \$ \_\_\_\_\_

**PROPERTY TRANSFER TAX PAYABLE:** \$ \_\_\_\_\_

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**H. ALLOCATION OF GROSS PURCHASE PRICE (NON-RESIDENTIAL PROPERTIES ONLY)**

REAL PROPERTY (LAND AND IMPROVEMENTS ONLY): \$ \_\_\_\_\_

MACHINERY, FURNITURE AND EQUIPMENT: \$ \_\_\_\_\_

GOODWILL AND OTHER TANGIBLES: \$ \_\_\_\_\_

OTHER (DESCRIBE): \_\_\_\_\_ \$ \_\_\_\_\_

GROSS PURCHASE PRICE: \$ \_\_\_\_\_

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**I. ADDITIONAL INFORMATION AND REQUIREMENTS FOR EXEMPTIONS**

1 IF CLAIMING EXEMPTION CODE 01 OR 03:

A DESCRIBE THE RELATIONSHIP BETWEEN TRANSFEROR AND TRANSFEREE: \_\_\_\_\_

B IF TRANSFEROR AND TRANSFEREE ARE COMMON LAW PARTNERS, HAVE THEY COHABITATED FOR AT LEAST 1 YEAR? \_\_\_\_\_

C WHO RESIDES ON THE PROPERTY BEING TRANSFERRED? \_\_\_\_\_

D LENGTH OF TIME IMMEDIATELY BEFORE THE TRANSFER THAT THE PROPERTY WAS OCCUPIED BY THAT INDIVIDUAL: YEARS: \_\_\_\_\_ MONTHS: \_\_\_\_\_

2 IF CLAIMING EXEMPTION CODES 01, 02 OR 03

A ON THE REGISTRATION DATE, IS THE TRANSFEREE A CANADIAN CITIZEN OR PERMANENT RESIDENT?

TRANSFEREE 1:  YES  NO IF YES, ATTACH PROOF \_\_\_\_\_

TRANSFEREE 2:  YES  NO IF YES, ATTACH PROOF \_\_\_\_\_

B IS THE PROPERTY LARGER THAN 0.5 HECTARES?

YES  NO INDICATE SIZE: \_\_\_\_\_ HECTARES

3 IF CLAIMING EXEMPTION CODE 02

WHO RESIDED ON THE PROPERTY IMMEDIATELY PRIOR TO THE DEATH OF THE DECEASED? \_\_\_\_\_

DESCRIBE THE RELATIONSHIP BETWEEN THE DECEASED AND THE TRANSFEREE: \_\_\_\_\_

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**J. ADDITIONAL REQUIREMENTS**

- 1 If claiming exemption code 04, attach a copy of the signed Separation Agreement or Court Order.
- 2 If claiming exemption code 06, attach a copy of the Death Certificate.
- 3 If claiming exemption code 07, provide calculation of proportionate shares of fair market value before and after the subdivision.
- 4 If claiming exemption code 08, attach evidence of reversion, escheat or forfeiture.
- 5 If claiming exemption code 09, 10 or 11, attach a declaration from the Trustee in Bankruptcy.
- 6 If claiming exemption code 12, attach evidence of capacity as executor or administrator, including a copy of the Death Certificate.
- 7 If claiming exemption code 17, attach a declaration from the transferor and the transferee.
- 8 If claiming exemption code 19, attach a declaration that the property will be used for an educational purpose.
- 9 If claiming exemption code 20, attach a declaration that the property will be used for a hospital or health care related purpose.

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**K. CERTIFICATION**

I CERTIFY THAT THE INFORMATION GIVEN IN THIS RETURN IS COMPLETE AND CORRECT IN ALL RESPECTS.

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PURCHASER 1 - SIGNATURE

TELEPHONE NUMBER

DATE SIGNED

**X**

PRINT NAME

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PURCHAER 2 - SIGNATURE

TELEPHONE NUMBER

DATE SIGNED

**X**

PRINT NAME

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**CORPORATE TRANSFEREE**

I CERTIFY THAT THE INFORMATION GIVEN IN THIS RETURN IS COMPLETE AND CORRECT, AND THAT I AM AN AUTHORIZED SIGNATORY FOR THE TRANSFEREE

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SIGNATURE

TELEPHONE NUMBER

DATE SIGNED

**X**

PRINT NAME AND TITLE

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SIGNATURE

TELEPHONE NUMBER

DATE SIGNED

**X**

PRINT NAME AND TITLE

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CONSENT: By signing this Form and applying for this exemption, I consent that the information provided on this form may be verified by the First Nation as required to ensure that I qualify for this exemption, in accordance with the *Tsawout First Nation Property Transfer Tax Law, 2023*.

## EXEMPTION CODES

- 01 A taxable transfer from a transferor who is not a trustee to a transferee who is a related individual, if the interest in land transferred has been the principal residence of either the transferor or the transferee for a continuous period of at least six (6) months immediately before the registration date.
- 02 A taxable transfer from a trustee of a deceased's estate or of a trust established under a deceased's will and who is registered in that capacity in the registry, to a transferee, if
  - a) the transferee is a beneficiary of the estate or trust,
  - b) the transferee beneficiary was a related individual of the deceased at the time of the deceased's death, and
  - c) immediately before the deceased's death, the interest in land to be transferred was the deceased's principal residence or had been the transferee's principal residence for a continuous period of at least six (6) months.
- 03 A taxable transfer from a trustee of a trust that is settled during the lifetime of the settlor and who is registered in that capacity in the registry, if
  - a) the transferee is a beneficiary of the trust,
  - b) the transferee beneficiary is a related individual of the settlor of the trust, and
  - c) the interest in land transferred was the principal residence of either the settlor or the transferee for a continuous period of at least six (6) months immediately before the date of transfer or of the transferee beneficiary for that period.
- 04 A taxable transfer from a transferor to a transferee who is a spouse or former spouse of the transferor and the transfer is made pursuant to a written separation agreement or a court order under an applicable provincial, federal or First Nation enactment respecting the division of matrimonial or family property.
- 05 A taxable transfer to change a joint tenancy to a tenancy in common, if
  - a) the persons holding the interest in land are the same before and after the transfer, and
  - b) each person holding a share of the interest in land after the transfer has an interest equal to that held by the other holders.
- 06 A taxable transfer by operation of law to the survivor of a joint tenancy consequent on the death of a joint tenant holder of the interest.
- 07 A taxable transfer in relation to the subdivision of an interest into smaller parcels, where
  - a) the transferee of one or more of the resulting subdivided parcels was one of the registered holders of the original interest immediately before its subdivision, and
  - b) the transferee's proportionate share of the fair market value of those smaller parcels, calculated using the fair market values as they were immediately after the subdivision, does not exceed the transferee's proportionate share of the fair market value of the original interest, calculated using the fair market value as it was immediately before the subdivision.
- 08 A taxable transfer by which an interest reverts, escheats or is forfeited to the First Nation or the Crown, or by which an interest that has reverted, escheated or been forfeited to the First Nation or the Crown is returned to its previous holder.
- 09 A taxable transfer to the trustee in bankruptcy of an interest forming part of the estate of a bankrupt.
- 10 A taxable transfer from the trustee in bankruptcy to the bankrupt of an interest in land forming part of the estate of the bankrupt, if no consideration for the transfer is paid by or on behalf of the bankrupt transferee and a declaration to that effect is made by the transferee and the transferor on the application for the exemption.
- 11 A taxable transfer from the trustee in bankruptcy to the spouse or former spouse of the bankrupt of an interest forming part of the estate of the bankrupt, if
  - a) the interest transferred was the principal residence of the bankrupt immediately before the date of the bankruptcy, and
  - b) no consideration for the transfer is paid by or on behalf of the transferee and a declaration to that effect is made by the transferee and the transferor on the application for the exemption.
- 12 A taxable transfer to a person in his or her capacity as personal representative, if the interest transferred is part of the deceased's estate.
- 13 A taxable transfer of a life estate in a lease, if the transferee of that life estate transferred the lease in the same interest to the transferor of the life estate in a concurrent transaction.
- 14 A taxable transfer to a mortgagee, if the mortgagee was the immediately preceding holder of the interest that was subject to the mortgage.
- 15 A taxable transfer to the provincial public guardian and trustee or the Minister of Indigenous Services, if
  - a) the interest transferred is to be held in trust by the public guardian and trustee or the Minister of Indigenous Services, as the case may be, for the sole benefit of a minor,
  - b) the minor is a related individual of the transferor or the person whose estate is the transferor, and
  - c) the interest transferred was the principal residence of the minor, the transferor, or the person whose estate is the transferor.

- 16 A taxable transfer from the provincial public guardian and trustee or the Minister of Indigenous Services, if
  - a) the interest transferred was held in trust by the public guardian and trustee or the Minister of Indigenous Services, as the case may be, for the sole benefit of a minor, and
  - b) the transferee is the beneficiary.
- 17 A taxable transfer from a transferor to a transferee, each of whom is registered in the registry as a trustee of the interest, if
  - a) 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 to a change in the terms of the trust, and
  - b) the transferor and the transferee make a declaration to that effect on the application for the exemption.
- 18 A taxable transfer for the purpose of transferring an interest
  - a) that was transferred in error, or
  - b) in respect of which an error was made in the description or survey relating to the registration of the interest.
- 19 A taxable transfer to a not-for-profit educational institution, including a public school, university, technical institute or public college, if the interest being transferred will be used for an educational purpose.
- 20 A taxable transfer to a not-for-profit hospital or health institution, if the interest being transferred will be used for hospital or health care related purposes.