Executive Council

Nova Scotia

A certified copy of an Order in Council dated August 6, 2026

N.S. Reg. 185/2026

FILED

Date: August 6, 2026

Rachel L. Jones
Registrar of Regulations
Province of Nova Scotia

2026-259

The Governor in Council on the report and recommendation of the Minister of Finance and Treasury Board dated August 5, 2026, and pursuant to Section 27 of the Schedule to Chapter 4 of the Acts of 2022, the *Non-resident Deed Transfer Act*, is pleased, effective on and after August 6, 2026, to:

(a) repeal the *Non-resident Deed Transfer Tax Regulations,* N.S. Reg. 41/2023, made by the Governor in Council by Order in Council 2023-48 dated February 21, 2023; and

(b) make new regulations to support the effective administration of the non-resident deed transfer tax, in the form set forth in Schedule "A" attached to and forming part of the Report and Recommendation.

Certified to be a true copy

Tracey Taweel
Clerk of the Executive Council

Approved by Order in Council
2026-259 **dated**
August 6, 2026

Tracey Taweel
Clerk of the Executive Council

Schedule "A"

Regulations Respecting Non-resident Deed Transfer Tax made by the Governor in Council under Section 27 of the Schedule to Chapter 4 of the Acts of 2022, the *Non-resident Deed Transfer Tax Act*

Citation

1 These regulations may be cited as the *Non-resident Deed Transfer Tax Regulations*.

Definitions

2 In these regulations,

"Act" means the *Non-resident Deed Transfer Tax Act*;

"Nova Scotia health card" means a health card issued by the Province to individuals insured under the *Health Services and Insurance Act*;

"parcel" means a parcel as defined in the *Land Registration Act*;

"transfer" means a transfer of residential property by deed or instrument.

Proof of residency in Province

3 A person may prove they are a resident of the Province by providing the following to the Administrator:

(a) a Nova Scotia health card, or

(b) both

(i) a Nova Scotia driver's licence or an identification card issued by the Registrar of Motor Vehicles for identification purposes and bearing a photograph of the individual, and

(ii) another form of proof of residence that is acceptable to the Administrator;

Exemption for grantee who will become resident within 1 year

4 **(1)** A transfer to an individual grantee is exempt from the tax if the individual intends to become a resident of the Province within 1 year of the date the property is transferred and files an affidavit with the Administrator to that effect.

(2) A grantee who claims an exemption from the tax under this Section must provide all of the following to the Administrator:

(a) proof that they are a resident of the Province, no later than 1 year after the date the residential property is transferred to the grantee;

(b) their social insurance number, if required by the Administrator to verify the grantee's residence status.

(3) If proof is not provided under subsection (2) within the time required by that subsection, the Administrator

(a) must assess the grantee for the tax and interest calculated in accordance with these regulations; and

(b) may assess a penalty in accordance with these regulations.

(4) A grantee who claims an exemption from the tax under this Section but will no longer become a resident of the Province within 1 year of the date the property was transferred

(a) must notify the Administrator by filing the required form; and

(b) may request an extension of the time period for a maximum of 1 additional year based on extenuating circumstances that have occurred since the time of the transfer, including any of the following:

(i) illness of the grantee,

(ii) death or illness of an immediate family member of the grantee,

(iii) fire, flood or natural disaster,

(iv) the grantee's employment transfer being delayed.

(5) On receiving a request under clause (4)(b), the Administrator may, in the Administrator's sole discretion, do any of the following:

(a) request additional information or documentation to support the request;

(b) grant the extension, taking into account any extenuating circumstances that have been demonstrated by the grantee in their request;

(c) deny the request.

(6) A decision under clause (5)(c) may be appealed by the grantee to the Minister in accordance with Section 23 of the Act.

Exemptions for spousal transfers

5 A transfer between any of the following is exempt from the tax:

(a) spouses or common law partners;

(b) former spouses or common law partners, if the transfer is for the purpose of division of marital or jointly held assets.

Exemptions for transfers to trusts

6 A transfer made to or from a trust in any of the following ways is exempt from the tax:

(a) from an individual to a trust of which the individual is the sole beneficiary, if the trust is 1 of the following:

(i) an alter ego trust as defined in subsection 248(1) of the *Income Tax Act* (Canada),

(ii) a trust with similar requirements to a trust in subclause (i) for an individual who is a non-resident of Canada;

(b) from an individual to a trust if the individual and their spouse or common-law partner are the only beneficiaries, if the trust is 1 of the following:

(i) a joint spousal or common-law partner trust as defined in subsection 248(1) of the *Income Tax Act* (Canada),

(ii) a trust having similar requirements to a trust in subclause (i) for an individual who is a non-resident of Canada;

(c) to or from a trust if there is no change in beneficial ownership of the residential property.

Exemption for transfers from deceased grantor or their estate

7 A transfer involving a deceased grantor or their estate that is made in any of the following ways is exempt from the tax:

(a) from an executor to a beneficiary under a will, including to a spousal trust;

(b) from an administrator of an estate to a person entitled to the estate under the *Intestate Succession Act* or the intestacy laws of another jurisdiction;

(c) to the grantor's child, grandchild, parent or sibling, if the deed is registered after the grantor's death.

Exemption for transfers to and from foreclosing mortgagees

8 A transfer involving a foreclosing mortgagee that is made in any of the following ways is exempt from the tax:

(a) to a foreclosing mortgagee;

(b) from a foreclosing mortgagee to a mortgage insurer.

Exemptions for corrections to deed

9 A deed that meets all of the following is exempt from the tax:

(a) it only confirms, corrects, modifies or supplements a deed previously given;

(b) there is no consideration for the transfer beyond 1 dollar;

(c) it does not include more residential property than the deed previously given.

Exemptions in other situations

10 **(1)** A transfer to His Majesty the King in right of Canada or an agency of or corporation owned by His Majesty the King in right of Canada is exempt from the tax.

(2) A transfer pursuant to an agreement of purchase and sale entered into before April 1, 2022, is exempt from the tax.

(3) A transfer to a registered charity is exempt from the tax if the residential property is not to be used for any commercial, industrial or other business purpose and an officer of the grantee makes and files a declaration with the Administrator to that effect.

Application for refund of deed transfer tax

11 **(1)** An application may be made to the Administrator for a refund of the tax in any of the following circumstances:

(a) for a person,

(i) extraordinary circumstances,

(ii) the tax or a portion of the tax was paid in error;

(b) for an individual, they paid the tax in respect of a residential property and became a resident of the Province within 1 year of the date they acquired the property.

(2) An individual who applies for a refund of the tax under subsection (1)(b) must provide the following to the Administrator:

(a) proof that they are a resident of the Province;

(b) their social insurance number, if required by the Administrator to verify the grantee's residence status.

(3) An application for a refund under this Section must be made no later than 2 years after the date the person acquired the residential property.

(4) If the Administrator is satisfied that the applicant meets the conditions in subsection (1), the Administrator must refund the tax or a portion of the tax.

Refund after appeal

12 The Administrator must refund the tax or a portion of the tax in accordance with any decision of the Minister to change an assessment or determination regarding the applicability of the tax as a result of an appeal made under the Act.

Issue of refund by Administrator

13 A refund of tax required under these regulations must be issued by the Administrator to the following:

(a) the grantee or grantees in accordance with their ownership interest in the property;

(b) the designated grantee, if the grantees have consented to a designated grantee to represent all grantees in a transaction;

(c) the legal representative, if the grantees have consented to the payment of the refund being made to their legal representative.

Prorating tax

14 **(1)** If only a portion of a parcel is being transferred, the applicable tax rate in Section

4 of the Act is applied to the greater of the following:

(a) the sale price;

(b) the assessed value attributable to the portion of the parcel being transferred, as determined under subsection (2).

(2) The assessed value attributable to a portion of a parcel referred to in subsection (1) is determined by 1 of the following methods:

(a) by prorating the assessed value of the parcel on the basis of the percentage of the total area of the parcel transferred;

(b) if the amount determined under clause (a) does not reasonably reflect the assessed value attributable to the portion of the parcel being transferred, the amount determined by the following formula:

$$AV_{portion} = AV_{total} \times (FMV_{portion} \div FMV_{total})$$

in which

$AV_{portion}$ = the assessed value attributable to the portion of the parcel being transferred

AV_{total} = the assessed value of the entire parcel

$FMV_{portion}$ = the appraised fair market value of the portion of the parcel being transferred

FMV_{total} = the appraised fair market value of the entire parcel

(3) If the Administrator determines that tax remitted for a portion of a parcel under this Section should have been calculated under the alternate method set out in clause (2)(a) or (b) for a more reasonable reflection of the assessed value of the portion of the parcel being transferred, the Administrator may select the alternate method to determine the tax and issue an assessment for any difference.

(4) The appraised fair market value referred to in clause (2)(b) must be calculated by a real estate appraiser registered under the *Real Estate Appraisers Act*.

(5) The cost of an appraisal must be paid by the grantee.

Assessments

15 The Administrator must send any tax assessment the Administrator makes under the Act or these regulations to the grantee and the grantee must pay the assessed amounts by the due date shown on the tax assessment.

Interest on unpaid tax

16 **(1)** The rate of interest to be applied to unpaid tax is 1% of the unpaid amount per month until it is paid.

(2) Interest charges are calculated starting on the date of the transfer that attracted the tax.

(3) The Administrator may at any time waive all or part of any interest payable under the Act or these regulations.

Administrative penalties

17 **(1)** The penalty that may be assessed by the Administrator is as follows:

(a) 20% of the tax; or

(b) 100% of the tax, if the grantee knowingly, or under circumstances amounting to gross negligence, made or participated in, assented to or acquiesced in the making of a false statement or an omission in any document filed or provided under the Act or these regulations.

(2) The Administrator may waive all or part of any penalty that is or may be charged under the Act or these regulations.

Requirement to provide records

18 **(1)** A person must provide the Administrator with all records that the Administrator requires and considers necessary to determine compliance with the Act or these regulations.

(2) In a written notice to the person, the Administrator may

(a) specify the form, manner and time in which the records referred to in subsection (1) must be provided; and

(b) require the records to be provided in English or an English translation of the records that is verified in a manner satisfactory to the Administrator.

Use of information by Administrator

19 The Administrator may use any information collected under the Act and these regulations for the purpose of analyzing and reviewing the tax from a policy perspective.