NOVA SCOTIA
NON-RESIDENT PROVINCIAL DEED TRANSFER TAX GUIDELINES

Nova Scotia Department of Finance and Treasury Board

Provincial Tax Policy and Administration Division

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Table of Contents

General Information **3**

Residential Property **3**

Property Ownership **4**

For an Agreement of Purchase and Sale signed on or after July 1, 2023, and for other transfers on or after July 1, 2023 without an Agreement of Purchase and Sale 4

For an Agreement of Purchase and Sale signed between April 1, 2022 and June 30, 2023 4

Ownership Interest in the Property 4

Ownership Type – Resident vs Non-Resident 5

Individuals 5

Corporations 5

Trusts 6

Tax Amount **7**

For an Agreement of Purchase and Sale signed on or after April 1, 2025 and for Other Transfers on or after April 1, 2025 without an Agreement of Purchase and Sale 7

For an Agreement of Purchase and Sale signed between July 1, 2023 and March 31, 2025 and for Other Transfers between July 1, 2023 and March 31, 2025 without an Agreement of Purchase and Sale 7

For an Agreement of Purchase and Sale signed between April 1, 2022 and June 30, 2023 8

Properties with Multiple Classifications 8

Transferring a Portion of a Parcel 8

Life Interest 9

Tax Exemptions **9**

Non-Residents Moving to Nova Scotia 11

Proof of Nova Scotia Residency 11

Time Extension 12

Unable to Demonstrate Proof of Nova Scotia Residency 12

Property Online E-Submission **12**

Provincial Affidavit (24-E) 13

Paper-based Deed Registration Submissions **13**

Paying the Provincial Deed Transfer Tax **14**

At the Time of Deed Registration 14

Payment via Trust Account 14

Payment by Cheque / Bank Draft 15

Pay by Electronic Fund Transfer (EFT) 15

After a Deed Registration 16

Payment – by Cheque / Bank Draft 16

Overdue Taxes 17

Interest Rates and Penalty Amounts 17

Provincial Deed Transfer Tax Refunds **17**

Frequently Asked Questions **18**

Appendix A – Determining Life Interest Percentage **20**

Nova Scotia Non-Resident Provincial Deed Transfer Tax Guidelines

General Information

The Non-Resident Provincial Deed Transfer Tax (PDTT) is a deed transfer tax applicable to non-residents acquiring residential property meeting certain criteria that is applied at the time of purchase/transfer.

The provincial deed transfer tax applies in addition to the municipal deed transfer tax (if applicable in the municipality in which the property resides).

The PDTT is administered by the Provincial Tax Policy and Administration Division of the Nova Scotia Department of Finance and Treasury Board (the Department). The legislative authority for this tax is contained in the

- *Non-Resident Deed Transfer Tax Act*, and
- *Non-Resident Deed Transfer Tax Regulations*.

Where there is a conflict between the information contained in these Guidelines and the Legislation and Regulations, the Legislation and Regulations governing the PDTT will take precedence over the Guidelines, website, communications documents, forms, or any other published information.

Residential Property

According to the *Assessment Act*, a residential property is one that is **used, or intended to be used**, for residential purposes. It *does not* include an apartment hotel or portions of a hotel/motel used for the purpose of public lodging.

Commercial and Resource Properties: If a property being transferred is not currently classified as residential but it is intended to be used for residential purposes in the future, the PDTT is payable (providing no other exemption is applicable).

For the purposes of the PDTT, a taxable residential property is one that has *3 or fewer dwelling units*. This includes vacant land considered to be residential property (see above).

The definition of a dwelling unit is referenced from the *Municipal Government Act*. Dwelling units are living areas that have a private entrance, are occupied (or fit for occupation), have kitchen facilities within the unit, and have bathroom facilities that are not shared with occupants of other units.

Properties with Multiple Classifications: If any portion of the property is considered residential and has 3 or fewer dwelling units, that portion of the property is subject to the PDTT.

A property may have more than 1 Property Identification Number (PID) and/or Assessment Account Number (AAN) associated with it. The determination of number of dwelling units per property is based on AANs, which is a number assigned by the Property Valuation Services Corporation.

For example - A property transaction involves 5 PIDs, each having 1 dwelling unit:

- If the 5 PIDs are all under 1 AAN, the tax would NOT apply (i.e. >3 dwelling units per AAN)
- If the 5 PIDs each have their own separate AANs when the deed(s) are transferred, the tax would apply (<3 dwelling units per AAN)

Mobile Homes: The PDTT does not apply in cases where a mobile home on a rented lot is being transferred and there is no PID being transferred, therefore no deed is being registered. Mobile homes which are transferred via a bill of sale are normally registered in the Personal Property Registry (not at the Land Registry).

Property Ownership

The PDTT applies to residential properties of 3 or fewer dwelling units being transferred to 1 or more grantees where ownership interest in the property is granted to a non-resident(s) of Nova Scotia.

For an Agreement of Purchase and Sale signed on or after July 1, 2023, and for other transfers on or after July 1, 2023 without an Agreement of Purchase and Sale

- The tax applies to deeds being registered where **any ownership interest** is being granted to non-residents of Nova Scotia.
- The tax is based on the ownership interest being transferred to non-residents.

There is an exemption for non-residents who move to Nova Scotia within 6 months of the date the property is transferred. As of July 1, 2023, this exemption will be at the individual grantee level. All non-residents who are moving to Nova Scotia within 6 months of the date the property is transferred must provide proof of residency for the exemption to apply. *More details can be found in the section on "Non-Residents Moving to Nova Scotia".*

For example, if a property is transferred to 2 non-residents who intend to move to Nova Scotia within 6 months of the date the property is transferred, the tax would not be payable at the time of the transfer. However, if only 1 provides proof of residency by the end of the 6 months, the tax (plus interest and a potential penalty) will become applicable on the ownership interest of the grantee who could not provide proof of residency.

For an Agreement of Purchase and Sale signed between April 1, 2022 and June 30, 2023

- *If the property is transferred **before** July 1, 2023*, the tax remains the same as when it came into effect and the tax applies on deeds being registered where ownership interest of more than 50% is being transferred to 1 or more non-residents of Nova Scotia.

- *If the property is transferred **after** June 30, 2023*, the grantee(s) can choose to determine the tax (and pay, if applicable) according to the method under the original legislation **OR** according to the revised method under the updated legislation as of July 1, 2023.

Ownership Interest in the Property

If a property has multiple owners, the interest of each owner is determined by whether the owners are considered joint tenants or tenants in common:

- Joint tenants each have equal interests in a property.
- Tenants in common each have a property interest as stated on the property's title document (e.g. deed) or parcel register (under the *Land Registration Act*). If no interest is stated on either, the tenants in common are considered to have equal interests.

For the purposes of the PDTT, total ownership interest in a property must equal 100% (regardless of ownership type).

As stated above, joint tenants are treated as owning the property equally. Adding the ownership interest across all grantees must equal 100%. For example:

- 2 joint tenants: 50% each
- 3 joint tenants: 33.33% each
- 4 joint tenants: 25% each

Ownership Type – Resident vs Non-Resident

A non-resident is an individual or corporation that is not a resident of Nova Scotia for income tax purposes. Residential property can also be held in a trust. Residency determination for individuals, corporations and trusts is as follows.

Individuals

Residency of an individual is determined by whether the individual is a resident of Nova Scotia for income tax purposes at the time of the property transaction.

This determination is based on where the individual filed their income tax return for the previous year.

- If an individual filed an income tax return for the previous tax year in Nova Scotia, they are presumed to be a resident of Nova Scotia.
- If an individual filed an income tax return for the previous tax year anywhere other than Nova Scotia, they are presumed to be a non-resident of Nova Scotia.
- If an individual's residency status changed since their last filed income tax return, this can be declared in the Residency Declaration by selecting their intention to move to Nova Scotia within 6 months of the date the property is transferred and then demonstrated by submitting proof of Nova Scotia residency on or after the day of the property transfer. *More details can be found in the section on "Non-Residents Moving to Nova Scotia".*

A grantee who does not file their income tax return in respect of Nova Scotia is not considered to be a resident of Nova Scotia. Generally, income tax returns are required to be filed for the province/territory the individual resided on December 31st of that year. For more information on determining your province of residency for income tax purposes, see the Canada Revenue Agency publication Income Tax Folio S5-F1-C1 *Determining an Individual's Residence Status*. For instance, working in another province while living in Nova Scotia does not mean someone should file their income tax return in respect of the other province.

Corporations

A corporation includes all of the following:

- A corporation limited by shares.
  This includes companies incorporated under the Companies Act (or similar legislation in another jurisdiction).
- A non-profit society or corporation.
  This includes non-profit organizations incorporated under the Societies Act or Canada Not-for-profit Corporations Act (or similar legislation in another jurisdiction).
- A co-operative association or other incorporated co-operative.
  This includes entities incorporated under the Co-operative Associations Act (or similar legislation in another jurisdiction).
- A registered charity that is incorporated or otherwise considered a legal person capable of owning real property.
  A registered charity is a charitable organization that is registered with the Canada Revenue Agency.
- Any other body corporate that is prescribed as a corporation by the regulations or that meets the criteria prescribed in the regulations.

A corporation is considered resident of Nova Scotia if **all** of the following 3 statements are true:

1. The corporation's central management and control is in Nova Scotia (see note below).
2. 50% or more of the corporation's directors are individuals who are residents of Nova Scotia for income tax purposes.
3. If the corporation
    a. is limited by shares: 50% or more of the corporation's issued and outstanding shares are directly, indirectly, or beneficially owned by persons who are residents of Nova Scotia for income tax purposes. This can be determined by number of votes or as a percentage of fair market value.
    b. consists of members: 50% or more of the members are persons who are residents of Nova Scotia for income tax purposes.

As part of the Residency Declaration, an authorized officer of the corporation must answer questions about the corporation and declare its residency status.

Note: In terms of central management and control, residence of a company is not necessarily where a company is incorporated, but where its business is actually exercised/carried out. This is usually where members of the board of directors meet and hold their meetings.

The Administrator may request additional information (including Affidavits of Residence), at any time after a property transaction, from each officer, director, member, and shareholder of the corporation.

Trusts

For a residential property held in trust, the beneficiaries are considered to have an ownership interest in proportion to their beneficial interest in the trust *unless* the trustee(s) or settlor (or person related to any of them) has the power to revoke the trust or add/change the beneficiaries.

If the trustee(s) or settlor (or person related to any of them) has the power to revoke the trust or add/change the beneficiaries, then the Administrator may consider the ownership interest to be held by them and may determine the amount of ownership interest held by the person(s).

For a property held in trust, the Administrator may also consider the ownership interest to be held by any of the trustees, beneficiaries or settlor depending on if the residential property was acquired in or transferred to a trust to avoid the PDTT or property tax and other circumstances the Administrator considers relevant.

In the Residency Declaration, a person acting as a trustee on behalf of the trust must answer questions about the trust and declare whether the property being acquired will be owned by a resident(s) of Nova Scotia.

If the settlor or any of the trustees (or person related to any of them) *have* the power to revoke the trust or add/change the beneficiaries, the trust property is deemed to be owned by the settlor or trustee who has the power to revoke the trust or add/change beneficiaries. In this case, if 50% or more of the persons with the power to revoke the trust or add/change beneficiaries are residents of Nova Scotia for income tax purposes, then the trust property is considered to be owned by a resident(s) of Nova Scotia.

If the settlor or any of the trustees (or person related to any of them) *do not have* the power to revoke the trust or add/change the beneficiaries, the trust property is deemed to be owned by the beneficiaries in proportion to their beneficial interest. In this case, if 50% or more of the beneficial interest in the trust is held by beneficiaries who are residents of Nova Scotia for income tax purposes, then the trust property is considered to be owned by a resident(s) of Nova Scotia.

The Administrator may request additional information (including Affidavits of Residence), at any time after a property transaction, from each trust beneficiary, trustee, or settlor.

Tax Amount

The PDTT is applied on residential property of 3 or fewer dwelling units being transferred to non-residents of Nova Scotia.

Gift transfers and other $0 transfers to non-residents are generally subject to the PDTT, unless they fall under one of the exemptions discussed under "Tax Exemptions". The same is true for transfers to non-residents involving a sale price less than the assessed value of the property. In both these situations, where the tax applies, the tax is based on the assessed value of the property.

Similar to the municipal deed transfer tax, for transactions involving HST, the sale price is based on the price *before* HST.

The tax is applied at the time when the property is being transferred (i.e. when the deed is being registered).

For an Agreement of Purchase and Sale signed on or after April 1, 2025 and for Other Transfers on or after April 1, 2025 without an Agreement of Purchase and Sale

The tax applies on deeds being registered where **any ownership interest** is being transferred to non-residents of Nova Scotia (i.e. the property does not have to have a majority interest owned by non-residents for the tax to apply). The tax is calculated as follows:

PDTT = Tax Rate x Non-Resident Ownership Interest x The Greater of: [Sale Price and Assessed Value] **(1)**

Where:

Tax Rate =	10%
Non-Resident Ownership Interest =	Total % ownership interest being transferred to non-residents of Nova Scotia
Sale Price =	Amount being paid for the property as defined in the *Municipal Government Act* (if there is no sale price, then $0).
Assessed Value =	The value of the property according to the most recent property assessment roll of the Property Valuation Services Corporation under the *Assessment Act.*

For an Agreement of Purchase and Sale signed between July 1, 2023 and March 31, 2025 and for Other Transfers between July 1, 2023 and March 31, 2025 without an Agreement of Purchase and Sale

The tax applies on deeds being registered where **any ownership interest** is being transferred to non-residents of Nova Scotia (i.e. the property does not have to have a majority interest owned by non-residents for the tax to apply). The tax is calculated as follows:

PDTT = Tax Rate x Non-Resident Ownership Interest x The Greater of: [Sale Price and Assessed Value] **(2)**

Where:

Tax Rate =	5%
Non-Resident Ownership Interest =	Total % ownership interest being transferred to non-residents of Nova Scotia
Sale Price =	Amount being paid for the property as defined in the *Municipal Government Act* (if there is no sale price, then $0).
Assessed Value =	The value of the property according to the most recent property assessment roll of the Property Valuation Services Corporation under the *Assessment Act.*

For an Agreement of Purchase and Sale signed between April 1, 2022 and June 30, 2023

- *If the property is transferred before July 1, 2023*, the tax remains the same as when it came into effect and the tax applies to deeds being registered where **ownership interest of more than 50%** is being transferred to 1 or more non-residents of Nova Scotia. The tax is calculated as follows:

  PDTT = Tax Rate x The Greater of: [Sale Price and Assessed Value] **(3)**

  Where:

  Tax Rate = 5%

  Sale Price = Amount being paid for the property as defined in the *Municipal Government Act* (if there is no sale price, then $0).

  Assessed Value = The value of the property according to the most recent property assessment roll of the Property Valuation Services Corporation under the *Assessment Act.*

- *If the property is transferred after June 30, 2023*, the grantee(s) can choose to calculate the tax (and pay) according to the method under the original legislation **(3) OR** according to the method under the updated legislation as of July 1, 2023 **(1) or (2)**. Both methods are described above.

Properties with Multiple Classifications

In situations where the property being transferred consists of multiple property classifications, the tax is only applied on the portion of the property that is residential consisting of 3 or fewer dwelling units. In these cases, the assessed value associated with the residential portion is used to calculate the portion of the sale price allocated to the residential portion:

Sale Price of Residential Portion =
Full Sale Price x [Assessed Value of Residential Portion / Assessed Value of Full Property]

The sale price of the residential portion and the assessed value of the residential portion is then used to calculate the tax.

Transferring a Portion of a Parcel

"Parcel" has the same definition as in the *Lands Registration Act*.

If the PDTT applies to a property transfer where only a portion of a parcel is being transferred, the PDTT is calculated according to the formula in the *"Tax Amount" section*, however the assessed value used in the calculation only includes the value attributable to the portion of the parcel being transferred, as described below.

The assessed value of a portion of a parcel is determined as follows:

(a) prorate the assessed value based on the portion of acreage being transferred, or
(b) if (a) does not reasonably reflect the assessed value of the portion being transferred, use the following formula:

$$\mathbf{AV_{portion}} = AV_{total} \times [FMV_{portion} / FMV_{total}]$$

Where:

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

AV_{total} = The value of the property according to the most recent property assessment roll of the Property Valuation Services Corporation under the *Assessment Act.*

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

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

The appraised fair market values for the formula must be determined by a real estate appraiser registered under the *Real Estate Appraisers Act* and the cost, if applicable, of the appraisal must be paid by the grantee(s).

If the Administrator is of the opinion that the alternate method is a more reasonable reflection of the assessed value of the portion of the parcel being transferred, the Administrator may select the alternate method and issue a tax assessment for the difference (if any).

Life Interest

When the property transfer involves a life interest, the sale price / assessed value of the property being transferred to the life interest and remainder interest holders is determined as follows:

$LIV_{portion}$ = The Greater of: [Sale Price and Assessed Value] x $LIV_{percent}$

Where:

$LIV_{portion}$ = Sale Price / Assessed value attributable to the portion being transferred to a life interest holder

$LIV_{percent}$ = Percentage determined using the tables in Appendix A according to the age of the life interest holder

Table 1 in Appendix A is to be used to determine the life interest holder's life expectancy and table 2 in Appendix A to determine $LIV_{percent}$ based on their life expectancy.

Example:

- Sale Price: $100,000
- Assessed Value: $80,000
- Life Interest Holder: Female, age 70

Using table 1 in Appendix A, the life expectancy for a 70 year old female is 15.14 years.
Using table 2 in Appendix A and based on a life expectancy of 15.14 years, $LIV_{percent}$ for that individual is 60%.

$LIV_{portion}$ = The Greater of : [$100,000 and $80,000] x 60%
= $100,000 x 60%
= $60,000

Therefore, the portion of the sale price assigned to the life interest holder is $60,000 and the portion of the sale price assigned to the remainder interest holder(s) is $40,000. These amounts are then used to calculate the PDTT accordingly.

Tax Exemptions

The PDTT *does not* apply on residential property at the time of a deed transfer in the following circumstances:

1. Agreements of Purchase and Sale entered into *before* April 1, 2022.
   Note: If there is no documented agreement dated prior to April 1, 2022, the PDTT applies (providing no other exemption is applicable).

2. Property being transferred consists of *more than* 3 dwelling units.
   More details on dwelling units can be found in the section on "Residential Property".

3. Property being transferred to a non-resident individual(s) who become residents of Nova Scotia
    a. between the end of the previous taxation year and the date the property was transferred, or
    b. within 6 months of the date the property was transferred.

   More details can be found in the section on "Non-Residents Moving to Nova Scotia".

4. Property being transferred between spouses/common law partners.

5. Property being transferred between former spouses/common law partners (if the purpose of the transfer is to divide marital or jointly held assets).

6. Property being transferred from an individual to a joint spousal/common law partner trust (or a trust having similar requirements if the individual is a non-resident of Canada).
   The individual and their spouse/common law partner must be the only beneficiaries of the trust.

7. Property being transferred from an executor to an eligible beneficiary under a will.
   An eligible beneficiary is a spouse, common-law spouse, child, grandchild, parent or sibling of the testator or a child or grandchild of the testator's spouse or common-law spouse.

8. Property being transferred from an executor to a spousal trust.

9. Property being transferred 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.

10. Property being transferred to a child, grandchild, parent or sibling of the grantor if the deed is registered after the death of the grantor.

11. Property being transferred from an individual to an alter ego trust (or a trust having similar requirements if the individual is a non-resident of Canada).
    The individual must be the sole beneficiary of the trust.

12. Property being transferred to or from a trust if there is no change in beneficial ownership of the property.

13. Property being transferred to a foreclosing mortgagee or to a mortgage insurer from a foreclosing mortgagee.

14. Cases where a new deed is being registered to simply confirm, correct, modify, or supplement a deed previously given; there is no consideration beyond $1; **and** the new deed does not include more property than the previous deed. ***NOTE:*** *For this exemption to apply all 3 statements must be true.*

15. If the grantee is a registered charity and the residential property for which the deed is being transferred is not to be used for commercial, industrial, or other business purposes.

16. Property being transferred to the Crown (or an agency/corporation of the Crown).

If none of the above exemptions are applicable, the PDTT will apply and is payable depending on the date of the Agreement of Purchase and Sale and the date the property is transferred. *More details can be found in the section on "Property Ownership" and "Tax Amount".*

If an exemption is claimed and the Administrator believes none of the above exemptions are in fact applicable and the tax is payable, then the Administrator may assess the PDTT, interest and a penalty. These amounts will become due and payable by the grantees(s) by the due date stated on the tax assessment.

Regardless of residency status, each grantee is jointly and severally liable for all amounts due to the Administrator.

Non-Residents Moving to Nova Scotia

The PDTT *may not* apply at the time of a deed registration for residential property being transferred where ownership interest is granted in respect of:

1. non-resident individuals who are moving to Nova Scotia within 6 months of the date the property is transferred, or
2. non-resident individuals who have moved to Nova Scotia between the end of the previous taxation year and the date of the property transfer.

More details can be found in the section on "Property Ownership".

The grantee's Residency Declaration at the time of the property transfer must declare the non-resident grantee's intention to move to Nova Scotia.
More details can be found in the section on "Residency Declaration".

Grantees who moved to Nova Scotia between the end of the previous taxation year and the date of the property transfer may demonstrate proof of residency on or after the date the property is transferred, as long as it is within 6 months of the transfer date.
More details can be found in the section on "Proof of Nova Scotia Residency".

If

- the grantee does not move to Nova Scotia within 6 months,
- a time extension is not granted, or
- the grantee moves to Nova Scotia and does not demonstrate proof of Nova Scotia residency

the Administrator will assess the PDTT and interest. The Administrator may also assess a penalty. These amounts will become due and payable by the grantee(s) by the due date stated on the tax assessment.

Regardless of residency status, each grantee is jointly and severally liable for all amounts due to the Administrator.

Proof of Nova Scotia Residency

After moving to Nova Scotia, **each individual grantee** is required to demonstrate proof of Nova Scotia residency by

- completing the Proof of Residency Form, and
- providing supporting documentation to prove residency (see below).

The form and supporting documentation must be provided to the Administrator within 6 months of the date the property was transferred.

The form and supporting documentation can be submitted by using this link: https://ftb-pdtt.novascotia.ca/

NOTE: Each non-resident grantee who has moved to Nova Scotia must complete their own form and submit their own supporting documents.

Acceptable documents to prove residency include the following:

- **PREFERRED**: Nova Scotia Health Card (MSI); or
- Nova Scotia Driver's License / ID Card **AND** a secondary document showing your attachment/residency in Nova Scotia – accepted at the discretion of the Administrator (see below)

Acceptable secondary documentation includes, but is not limited to:

- Utility bill – if the address matches the driver's license.
- Signed lease agreement (if grantee is living elsewhere in Nova Scotia other than the acquired property).
- Job ID card from a Nova Scotia government employer (e.g. Government, Health Authority, etc.).
- Canadian Forces / RCMP posting message to Nova Scotia.
- Employment letter (if it demonstrates the grantee will be physically working in Nova Scotia and not remotely in another jurisdiction).

Unacceptable documentation includes, but is not limited to:

- Passport
- Utility bill (only)
- Other ID card without an address

Time Extension

A single time extension may be requested if extenuating circumstances have occurred since the property was transferred and the grantee is not able to move to Nova Scotia within 6 months of the date the property is transferred. To request a time extension, send an email to NSDeedTransferTax@novascotia.ca.

Approval of a time extension is at the discretion of the Administrator and will be based on the gravity of the situation, including supporting documentation.

The maximum time extension that may be granted by the Administrator is up to 1 year from the date the property was transferred.

Unable to Demonstrate Proof of Nova Scotia Residency

Individuals who declared their intention to move to Nova Scotia at the time of the property transfer and are unable to demonstrate proof of residency within 6 months of the date the property is transferred, must complete the Unable to Demonstrate Proof of Residency form and email it to: NSDeedTransferTax@novascotia.ca.

In this situation, the Administrator will issue a tax assessment to the grantees which will assess amounts for the PDTT, interest and any potential penalty. These amounts will become due and payable by the grantee(s) by the due date stated on the tax assessment.

Regardless of residency status, each grantee is jointly and severally liable for all amounts due to the Administrator.

Property Online E-Submission

The PDTT Form is embedded in the Property Online deed registration e-submission process using form 24-E.

Property Online

When transferring a property in Property Online using form 24-E, the following **is required to be completed for all property transfers** (regardless of residency status and property type):

- PDTT related information in the "Add New Registered Interest" section
- Provincial Affidavit

The e-submission process in Property Online using form 24-E will not allow a deed to be registered unless all required portions of the form and Provincial Affidavit have been completed.

Provincial Affidavit (24-E)

After entering all required information in the "Add New Registered Interest" section along with the Provincial Affidavit, the Provincial Affidavit must be printed.

The printed version of the Provincial Affidavit will show the Residency Declaration for each grantee and **requires:**

- an individual to enter their social insurance number (if available and applicable – see below)
- a corporation to enter their business number, and
- a trust to enter their trust account number.

This information is required for the Administrator to verify the grantee's residency status and eligibility for a tax exemption. Leaving these fields blank increases the risk of further compliance checks and audits on the property transaction.

It is only acceptable to leave these fields blank in the following situations:

- If the grantee does not have the respective number (e.g. if the grantee is an individual from outside of Canada and does not have a SIN).
- In transactions where the PDTT is paid by the particular non-resident grantee.
- In transactions where the property being transferred is not a taxable property (i.e. all property being transferred is commercial or resource (not intended to be used for residential purposes) or all property being transferred is residential consisting of MORE than 3 dwelling units).

Further to this, each grantee involved in the property transaction (not their agent) must sign the Provincial Affidavit as follows:

- For individual grantees, the Provincial Affidavit must be signed by the individual.
- For corporations, the Provincial Affidavit must be signed by an authorized officer of the corporation.
- For trusts, the person acting as a trustee must sign the Provincial Affidavit.

The Administrator allows virtual affidavits using video technology to the extent these are allowed in Nova Scotia Supreme Court proceedings. If you are unsure of what is permissible in the Nova Scotia Supreme Court, please contact the Nova Scotia Barristers Society for further information.

After the deed has been registered, the Administrator may require the grantee(s) to submit further information:

- if the Administrator believes information is missing,
- to correct information that is not accurate, or
- to provide additional information to verify the submission.

Paper-based Deed Registration Submissions

There are certain situations where Property Online cannot be used to transfer a property and a paper version of form 24 is required to be submitted at the Land Registry Office.

Also, if a property is **exempt from migration and the PDTT is payable**, a paper submission of form 44 is required to be submitted at the Land Registry Office.

Both of these situations require a paper version (PDF) of the PDTT Form and Affidavits of Residence. Templates are available here:

- Provincial Deed Transfer Tax Form
- Affidavit of Residence – For Individuals
- Affidavit of Residence – For Corporations
- Affidavit of Residence – For Persons Acting as a Trustee

For the paper-based deed registrations described above, the PDTT Form and all required Affidavits of Residence must be placed inside a **sealed envelope** and **submitted to the Land Registry Office** at the time of deed registration. Each transaction must have its own envelope. Write the PDTT amount payable on the outside of the sealed envelope (including if the amount owing is $0). See instructions below where an amount is payable.

Note: The sealed envelope must **only** contain PDTT Form and an Affidavit of Residence for each grantee involved in the transaction.

In cases where a property is **exempt from migration and the PDTT is NOT payable,** form 44-E can be used in Property Online to transfer the deed. However, in these cases the PDTT Form and Affidavits of Residence (templates above) must be sent directly to the Department of Finance and Treasury Board by email or mail:

Email: NSDeedTransferTax@novascotia.ca

Mailing Address:
Department of Finance and Treasury Board
Provincial Tax Policy and Administration Division
c/o Provincial Deed Transfer Tax
PO BOX 187
Halifax, NS B3J 2N3

Courier Address:
Department of Finance and Treasury Board
Provincial Tax Policy and Administration Division
c/o Provincial Deed Transfer Tax
1723 Hollis Street, 4th Floor

Paying the Provincial Deed Transfer Tax

At the Time of Deed Registration

Payment via Trust Account

When using form 24-E in Property Online, if it is determined through the Provincial Affidavit and the e-submission review and sign page that the PDTT is payable, the payment will be withdrawn from the trust account of the law firm when the deed is submitted for registration.

If withdrawing from a trust account is not possible or if a paper submission of the PDTT Form is required, payment must be remitted no later than the date of the property transfer and received within 5 business days of the property transfer.

The PDTT must be calculated and paid in Canadian dollars (CAD).

Payment by Cheque / Bank Draft

In situations where withdrawing from a trust account is not possible and for paper-based deed registrations, payment is submitted to the Land Registry Office by cheque, or other acceptable means. The payment may be combined with the municipal deed transfer tax and related charges, as applicable.

Write the PDTT amount on the outside of the sealed envelope containing the PDTT Form and Affidavits of Residence. If no tax is payable, write $0 on the envelope. The cheque should not be enclosed inside the sealed envelope. This envelope will be forwarded to the Department of Finance and Treasury Board whereas the Land Registry Office will retain the cheque.

After the deed is registered by Land Registry Officers, they will write the Instrument # generated by the system (POL) on the envelope and forward the sealed envelope to the Department of Finance and Treasury Board.

Cheque payable to: Minister of Finance and Treasury Board

Date: The date on the cheque must be no later than the date the property transfer.

Cheque Memo: List of PID(s) involved in the transaction.
Insert the PID(s) for the deed being registered

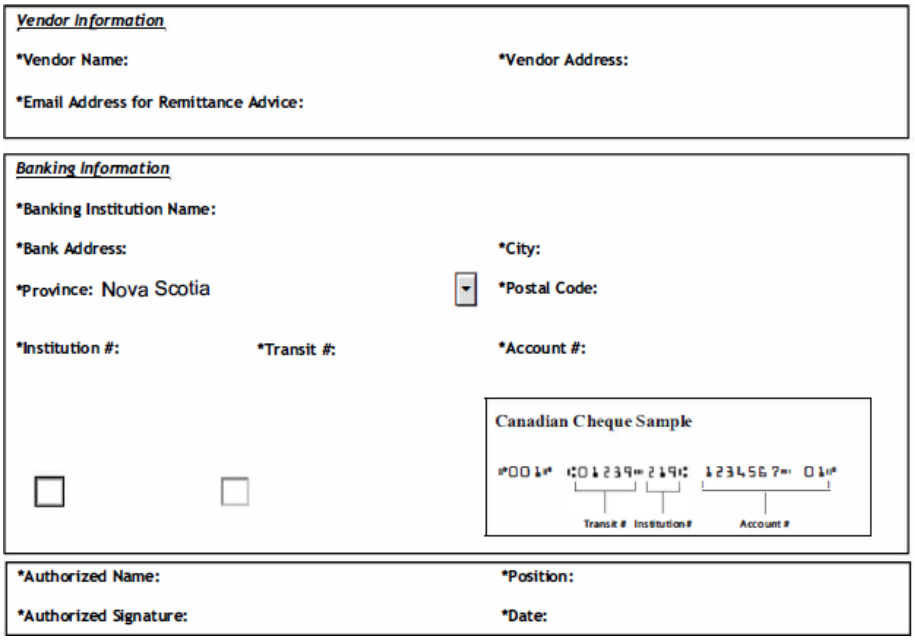
Pay by Electronic Fund Transfer (EFT)

This is not the same as an e-transfer. The EFT payment option is available to firms (e.g. law firms) submitting frequent PDTT payments for paper-based deed registrations.

To pay by EFT, an account must first be set-up with Accounts Receivable:

1. Email your request to set up EFT to: accountsreceivable@novascotia.ca and provide the following information:
    a. Vendor EFT form
    b. Nature of the payment: Provincial Deed Transfer Tax, and
    c. Contact name: Provincial Tax Policy and Administration Division (email: NSDeedTransferTax@novascotia.ca).

Vendor EFT form example*:*



2. The form will be completed by Accounts Receivable and returned to you by email, accompanied by a supporting banking letter verifying banking details and remittance instructions.

3. Electronic Fund Transfer remittance advice must be emailed to EFTremittance@novascotia.ca and include the following:
    - Supporting documentation for the nature of the payment (i.e. Provincial Deed Transfer Tax)
    - Customer Number, if applicable
    - In the EFT comments/notes section enter:
      PDTT – Instrument # _____
      Insert the Instrument number from the deed registration, if available
      OR (if the instrument number is unknown):
      PDTT – List of PID(s) involved in the transaction.
      Insert the PID(s) for the deed being registered

After a Deed Registration

Payments being made after a deed is registered must be made by Cheque / Bank Draft.

This includes situations where the grantee(s) did not move to Nova Scotia and are being assessed the tax after the deed was registered. Also, other situations where the tax has been assessed on a property transfer and a tax assessment is sent to the grantee(s).

Payment – by Cheque / Bank Draft

When submitting payment by cheque/bank draft, after a deed is registered, only the cheque itself and the related instrument number issued at the time of deed registration (if available) or the PID(s) involved in the transaction is required. An accompanying cover letter can be included with the cheque, however it is not required.

Cheque payable to: Minister of Finance and Treasury Board

Date: The date the cheque is being written

Cheque Memo: PDTT – Instrument # _____
Insert the Instrument number from the deed registration, if available
OR (if the instrument number is unknown):
PDTT – List of PID(s) involved in the transaction.
Insert the PID(s) for the deed being registered

Cheques can be mailed or couriered:

Mailing Address:
Department of Finance and Treasury Board
Provincial Tax Policy and Administration Division
c/o Provincial Deed Transfer Tax
PO BOX 187
Halifax, NS B3J 2N3

Courier Address:
Department of Finance and Treasury Board
Provincial Tax Policy and Administration Division
c/o Provincial Deed Transfer Tax
1723 Hollis Street, 4th Floor
Halifax, NS B3J 1V9

Overdue Taxes

The PDTT is considered overdue if a property transfer occurs where the tax is payable and it is not remitted by the date the property is transferred. If the tax is not remitted by this date and/or the payment is not received with 5 business days of the property transfer, interest will be charged, and a penalty may be added.

Those who state their intention to move to Nova Scotia within 6 months of the date the property is transferred are not levied the PDTT at the time the property is transferred. If the move to Nova Scotia does not occur within 6 months or if the grantee(s) move to Nova Scotia and do not complete the required form within 6 months

- PDTT will become payable,
- interest will be levied, and
- a penalty may be assessed.

All amounts are due by the date stated on the tax assessment.

More details can be found in the section on "Non-Residents Moving to Nova Scotia".

All amounts owed are a debt due to the Province of Nova Scotia and may be recovered in a court of law.

If a person fails to pay an amount owing, a lien will be registered against the residential property by registering a certificate of lien at a Land Registry Office according to the *Land Registration Act* or *Registry Act.*

Interest Rates and Penalty Amounts

Interest is applied and accumulates at 1% per month on the unpaid balance.

Where interest is applicable, it will begin accumulating starting on the date the property is transferred. This includes the case where an individual grantee declared their intention to move to Nova Scotia within 6 months of the date the property is transferred and does not move or does not demonstrate proof of residency.

The Administrator may assess a penalty calculated as follows:

- 100% of the tax if the grantee(s) knowingly (or due to neglect) made or participated in a false statement or an omission in an affidavit, declaration, notice or other record submitted to the Administrator; or
- 20% of the tax in all other cases.

Provincial Deed Transfer Tax Refunds

A person may apply to the Administrator for a refund of the PDTT (or a portion of the PDTT) in the following situations:

- The transaction resulted in the ownership interest in the property being transferred to individuals who are residents of Nova Scotia or became residents within 6 months of the date the property was transferred **and** have demonstrated proof of residency*.
- The PDTT (or a portion of the PDTT) was paid in error.
- Extraordinary circumstances are present.

*This option depends on the date of the Agreement of Purchase and Sale and the date the property is transferred. *More details can be found in the section on "Property Ownership".*

Applications for a refund must be submitted within 1 year of the date the property was transferred.
A refund may be requested by sending an email to NSDeedTransferTax@novascotia.ca.

If the Administrator is satisfied that any of the above situations apply, the PDTT (or a portion of the PDTT) will be refunded as applicable. Refund cheque(s) will be issued

- to a designated grantee representing all grantees in a transaction (if all grantees have consented to this), or
- to each grantee according to their ownership interest in the property.

Frequently Asked Questions

I am a non-resident of NS purchasing a property to rent to residents of Nova Scotia. Does the PDTT apply?

Yes, the PDTT applies. There is no exemption available to non-residents who purchase a property and then rent that property to residents of Nova Scotia.

I am a non-resident of NS purchasing a property for my student child to live in while they are attending school in NS. Does the PDTT apply?

Yes, the PDTT applies. There is no exemption available to non-residents who purchase a property for their non-resident child to live in while attending school in NS.

I am a resident of NS, but I need a non-resident(s) to co-sign on the property's mortgage and their name(s) will be listed on the property deed. Does the PDTT apply?

Depending on the date of the Agreement of Purchase and Sale and the date the property is transferred, the PDTT may be applicable (in full or in part). *More details can be found in the section on "Property Ownership".*

Am I required to include my Social Insurance Number (SIN) on the Provincial Affidavit?

Yes, social insurance numbers are **required** from all grantees who are residents of Nova Scotia and those who are non-residents of Nova Scotia who intend on moving to Nova Scotia (or already have).

It is only acceptable to leave these fields blank if the grantee does not have a SIN (e.g. if the grantee is an individual from outside of Canada and does not have a SIN) **or in transactions where the PDTT is being paid by the particular grantee**. Not including a SIN increases the chance of further compliance checks and audits on the property transaction.

Does the PDTT apply to an individual who is planning to move to Nova Scotia within 6 months but wants to purchase a residential property through a corporation?

There is an exemption available for non-resident **individual** grantees who intend to become residents of Nova Scotia within six months of the property transfer. However, there is no similar exemption available for a grantee that is a corporation.

Does the PDTT apply to residential property purchased by a non-resident at a tax sale?

There is no exemption available to non-resident individuals purchasing a property via a tax sale.

How do I transfer a property to someone?

All questions concerning how to transfer property should be directed to the Nova Scotia Land Registry: RGLandTitles@novascotia.ca

Does the municipal deed transfer tax apply in the same way as the PDTT?

The non-resident provincial deed transfer tax is separate from the municipal deed transfer tax and each tax has its own rules and exemptions. For questions regarding the municipal deed transfer tax and related exemptions contact: RGLandTitles@novascotia.ca

Appendix A – Determining Life Interest Percentage

Table 1 – Life Expectancy

Age	Life Expectancy	
	Male	Female
0	71.88	78.98
1	71.67	78.65
2	70.73	77.7
3	69.77	76.74
4	68.8	75.77
5	67.84	74.79
6	66.86	73.81
7	65.88	72.83
8	64.9	71.84
9	63.91	70.86
10	62.92	69.87
11	61.94	68.88
12	60.95	67.9
13	59.97	66.91
14	59	65.93
15	58.04	64.95
16	57.1	63.97
17	56.16	63
18	55.23	62.02
19	54.31	62.05
20	53.39	60.08
21	52.47	59.11
22	51.55	58.14
23	50.63	57.16
24	49.71	56.19
25	48.78	55.22
26	47.86	54.25
27	46.92	53.27
28	45.99	52.3
29	45.05	51.33
30	44.11	50.36
31	43.17	49.39
32	42.22	48.42
33	41.28	47.45
34	40.34	46.48
35	39.39	45.51
36	38.45	44.55
37	37.52	43.59
38	36.58	42.63
39	35.65	41.68
40	34.72	40.73
41	33.8	39.78
42	32.88	38.84
43	31.97	37.9
44	31.06	36.97
45	30.16	36.04
46	29.27	35.11
47	28.39	34.19
48	27.52	33.28
49	26.66	32.37
50	25.81	31.47
51	24.97	30.57
52	24.14	29.68
53	23.33	28.8
54	22.52	27.93
55	21.73	27.06
56	20.95	26.2
57	20.18	25.35
58	19.43	24.51
59	18.69	23.68
60	17.96	22.85
61	17.25	22.03
62	16.56	21.22
63	15.88	20.42
64	15.21	19.63
65	14.57	18.85
66	13.93	18.09
67	13.32	17.33
68	12.72	16.59
69	12.14	15.86
70	11.58	15.14
71	11.03	14.44
72	10.49	13.75
73	9.98	13.08
74	9.48	12.42
75	9	11.78
76	8.53	11.15
77	8.09	10.54
78	7.66	9.95
79	7.25	9.39
80	6.85	8.84
81	6.48	8.32
82	6.12	7.82
83	5.78	7.34
84	5.45	6.88
85	5.14	6.45
86	4.85	6.04
87	4.57	5.65
88	4.3	5.28
89	4.05	4.93
90	3.82	4.6
91	3.59	4.29
92	3.38	3.99
93	3.19	3.71
94	2.96	3.39
95	2.65	2.99
96	2.27	2.51
97	1.84	1.99
98	1.41	1.5
99	1.05	1.1
100	0.79	0.81
101	0.6	0.61
102 or older	0.5	0.5

Table 2 – Life Interest Percentage Based on Life Expectancy

Life Expectancy	Life Interest Percentage
5 years or less	40%
More than 5 years but not more than 10 years	50%
More than 10 years but not more than 20 years	60%
More than 20 years but not more than 30 years	70%
More than 30 years but not more than 40 years	80%
More than 40 years but not more than 50 years	90%
More than 50 years	100%