

**AFFIDAVIT #2 OF DECLARED VALUE -  
NOT AN ARMS-LENGTH TRANSACTION  
OR NO INCREASE IN VALUE**

*(Land Titles Tariff of Fees Regulation, s. 1(2))*

*Access to Information and Protection of Privacy Act: Personal information, if any, is being collected under the authority of section 165 of the Land Titles Act, 2015 for the purpose of registering an instrument or caveat against the certificate of title. Under section 210 of the Land Titles Act, 2015, the ATIPP Act does not apply to the records kept by the Registrar of Land Titles. This form may be made available to other government offices and to the public. For further information, contact the Registrar of Land Titles at (867) 667-5612.*

TO THE REGISTRAR:

Re: \_\_\_\_\_  
(Parcel number or legal description)

**I SWEAR/AFFIRM THAT:**

1. In this affidavit,
  - a. **“declared value”** means the dollar amount in Canadian dollars for which the land and improvements described in the attached transfer of land might be expected to sell, if it were sold effective the registration date of the attached transfer, on the open market, by a willing seller to a willing buyer in an arms-length transaction; and
  - b. **“land”** means the land described in the attached transfer of land and includes all buildings and all other improvements affixed to the land on the date of the attached transfer.
2. I am the *(select one)*
  - ☐ transferee / one of the transferees named in the attached instrument. The declared value of the land is \$\_\_\_\_\_.
  - ☐ agent of the transferee(s) named in the attached instrument and I am authorized to make this affidavit. I am familiar with the land and the circumstances of the transaction in which this affidavit is sworn. The declared value of the land is \$\_\_\_\_\_.

***If the declared value has increased since the date of the last transfer, no explanation is required, even if the parties are not at arms-length. However, if the Registrar is of the opinion that the declared value is not reasonable based on reference sources, the Registrar may require evidence to support the Affidavit.***

***Optional clauses for explaining decrease or no increase in declared value – see Note below.***

3. ☐ The declared value is the value determined in a court-ordered or court-approved sale of the land.

***If the declared value is the value determined in a court-ordered or court-approved sale, no further explanation is required regardless of whether the declared value has increased or decreased since the date of the last transfer. If the court order is a vesting order and clearly states the value, an Affidavit of Value is not required.***

***Whether or not the parties are at arms-length, if there has been a decrease or no increase in value since the date of the last transfer, the transferee must provide a reasonable explanation. For example:***

4. ☐ The value of the land has not increased since the date of the last transfer because
- ☐ the buildings and other structures have been removed from the land
  - ☐ the buildings and other structures remain on the land but have been
    - ☐ destroyed by fire, or
    - ☐ condemned by the authority having jurisdiction over occupancy, or
    - ☐ are no longer fit for occupancy, or
    - ☐ have been demolished.
  - ☐ [another reason]

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SWORN/AFFIRMED BEFORE ME	)	
at _____ in _____	)	_____
on the ____ day of _____, 20____	)	(Signature)
	)	
_____	)	_____
(Signature of Notary or Commissioner)	)	(print name)
	)	
_____	)	
(print full name)	)	
Notary Public in and for Yukon;	)	
or Notary Public or Commissioner for Oaths in	)	
and for _____	)	
My commission expires _____ or	)	
<input type="checkbox"/> I am a lawyer	)	

**All notaries and commissioners must print or stamp their name and qualifications as well as the expiry date of their commission, or indicate that their commission does not expire; all notaries outside of the Yukon must affix their official seal (subsection 61(3), Yukon Evidence Act).**

**Notes:**

- Do not submit an Affidavit with a declared value at or below the current title value without an explanation. If you do not provide an explanation, your instrument will be rejected and you will not be able to correct your Affidavit.
- The list of possible responses are examples only. There are potentially many other reasons why the land may not have increased in value.
- Good reference sources to determine value are the Yukon Real Estate Reports and the Annual Statistical Review of the Yukon Bureau of Statistics, which contain quarterly values, numbers and average values of real estate transactions. The transferee may swear that the declared value is based on the average increase (or decrease) in value of similar land, as published in the most recent volume of a Yukon Real Estate Report or Annual Statistical Review.
- If the interest being transferred in the attached transfer is less than 100% of the interests of all registered owners, such as the transfer of the interest of one tenant-in-common, the declared value of the land must be expressed as the value of the transferor's interest. You may state that "The declared value of the transferor's ½ interest in the land as a tenant-in-common is \$\_\_\_\_\_. Or "The declared value of the land is \$\_\_\_\_\_, as to a ½ interest."