

**THE LAND TITLES OFFICE DOES NOT PROVIDE LEGAL ADVICE.
LTO STAFF CAN'T ASSIST CUSTOMERS WITH FILLING OUT FORMS.
THESE FORMS MAY NOT BE SUITABLE FOR YOUR CIRCUMSTANCES.
THE PURCHASE AND SALE OF LAND HAS SIGNIFICANT LEGAL
CONSEQUENCES. THE LAND TITLES OFFICE STRONGLY RECOMMENDS
THAT BUYERS AND SELLERS OBTAIN INDEPENDENT LEGAL ADVICE.**

TRANSFER OF LAND BY BODY CORPORATE HOW TO FILL OUT THESE FORMS

WHAT'S INCLUDED IN THIS PACKAGE?

- The first 8 pages of this package contain information and instructions on how to fill out the forms.
- The package also contains forms that are designed to be used in several different situations:
 1. Transfer, to be signed by the transferor
 2. Affidavit of corporate authority, to be used only when the transferor does not sign with a corporate seal
 3. Affidavit re family home, to be signed by a representative of the transferor and a notary public
 4. Affidavit of declared value, to be signed by the transferee and by a notary public. The transferee must choose the correct form:
 - a. Affidavit #1, to be used where the transferee is paying the transferor the fair market value of the property in an arms-length transaction; or
 - b. Affidavit #2, to be used in all other cases.

Access to Information and Protection of Privacy Act: The information in these forms 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 at (867) 667-5612.

HOW TO FILL OUT THE TRANSFER

Name of owner and type of ownership

Name of owner: _____

being registered owner of (*select only one*):

☐ an estate in fee simple

☐ a leasehold estate, Lease Interest Registration Number _____; or

☐ a life estate, Life Estate Interest Registration Number _____,

- Print the name of the transferor, as well as tenancy type, exactly as shown on the certificate of title.
- If the tenancy type is tenants-in-common, include the fractional ownership share of each transferor.
- If you require more space to enter the names of all the transferors and their ownership interests, print "See Schedule" and attach a separate page setting out the names of all the transferors and their ownership interests.
- The information about whether the owner has a fee simple, leasehold or life estate is shown on the certificate of title.

Parcel number or legal description

of the following land:

Parcel No. _____

Legal Description: _____

- The parcel number and legal description are found on the certificate of title.
- If the transferors are transferring more than one parcel, do a separate transfer for each parcel.
- Insert the parcel number and complete legal land description shown on certificate of title (Lot, Portion, Block, Quad, Group, Subdivision, City, Plan number as well as Yukon).
- Include any descriptions or particulars shown in Registrar's Notes on the certificate of title.

Interest Registration numbers

subject to section 59 of the *Land Titles Act, 2015* and the following encumbrances and interests as of the date of this transfer:

Interest Register number:

- This information on the certificate of title under the heading Registered Interests starting on the second page of the certificate of title.
- List the Interest Register numbers, not the names of encumbrance holders.
- List registration numbers of all charges, writs, liens and interests shown on the certificate of title and, if no encumbrances, state "None".

Consideration

In consideration of the sum of

☐ \$ _____

Or \$1.00 and other good and valuable consideration

- The consideration may be the actual price paid, or may be expressed as a nominal amount (e.g. "\$1.00 and other good and valuable consideration").
- Enter the dollar value in numbers.

INFORMATION PAGES

Identify the transferee

paid by the transferee, the receipt of which sum is hereby acknowledged, transfer all my estate and interest in the land to the transferee:

- Print the name of the individual or body corporate to whom the property is being transferred. This is the name that will go on the new certificate of title. The transferee must provide this information.

Tenancy type

If more than one transferee, choose tenancy type:

- ☐ as Joint Tenants; or
- ☐ as Tenants-in-Common - specify the ownership interest as a fraction (e.g. $\frac{1}{4}$, $\frac{1}{2}$, etc.) and calculate title value based on each transferee's proportionate share of the declared value:

<i>Transferee's Name</i>	<i>Fraction</i>	<i>Title value</i>
<i>Total must equal:</i>	<i>1.0</i>	<i>Total declared value</i>

- If there is only one transferee, no tenancy type is required.
- If there is more than one transferee, the choices are "joint tenants" or "tenants-in-common". The transferee must provide this information.
- If the tenancy type is tenants-in-common, include the fractional ownership share and fraction of the total declared value for each transferee's interest.

Transferee's mailing address

The transferee's mailing address to be shown on the new certificate of title is:

If more than one transferee with different addresses,

Transferee's name

Address to be shown on title:

- The transferee must provide this information to the transferor.

Date

Signed by the transferor on _____, 20____

- When the transferor signs the transfer, fill in this date, which should be the date the transfer is actually signed by the transferor.
- If more than one transferor will sign on different dates, fill in the different dates by each transferor's signature.

Signed by the transferor – with seal

If the transferor signs with its corporate seal:

In witness whereof the corporate seal of the transferor was affixed in the presence of its duly authorized officer(s).

)	_____
	)	(Print full corporate name)
	)	By: _____
)	_____
Stamp or impress corporate seal	)	(signature of authorized officer)
)	_____

INFORMATION PAGES

	)	(print name and title of authorized officer)
)	
	)	If two signatures are required:
)	
)	_____
	)	(signature of authorized officer)
)	_____
	)	(print name and title of authorized officer)

- Make sure the name of the transferor is printed above, and the authorized signing officer's name and title are printed clearly below, their signature.

Signed by transferor - without seal

If the transferor signs without a corporate seal:

Signed on behalf of the transferor by its duly authorized officer(s), without seal.

(Print full corporate name)

By:

(signature of authorized officer)

(print name and title of authorized officer)

If two signatures are required:

(signature of authorized officer)

(print name and title of authorized officer)

- Make sure the name of the transferor is printed above, and the authorized signing officer's name and title are printed clearly below their signature.
- If the body corporate signs without a corporate seal, an affidavit of corporate authority is required to be signed and sworn in the presence of a notary public.

HOW TO FILL OUT THE AFFIDAVIT OF CORPORATE AUTHORITY

An Affidavit of corporate authority is only required when the transferor signs without using a corporate seal.

Identify the person who signed the transfer on behalf of the transferor

I SWEAR / AFFIRM THAT

A. I am an officer, director or authorized representative of:

(name of body corporate)

- The name of the body corporate must be the same as the name of the transferor as shown on the certificate of title and on the first page of the transfer form.

INFORMATION PAGES

SWORN / AFFIRMED BEFORE ME)	
at _____ in _____)	_____
on the ____ day of _____, 20 ____	)	(Signature)
_____)	_____
(Signature of Notary or Commissioner)	)	(print name)
_____)	
(print name))	
Notary Public in and for Yukon;)	
or Notary Public or Commissioner for Oaths in and)	
for _____)	
(My commission expires: _____))	

- An authorized signing officer must sign and swear the Affidavit in front of a Notary Public or Commissioner for taking Affidavits. The name of the person printed below their signature must be the same as the name printed below their signature on the transfer form signature page.
- The Notary or Commissioner must fill in the place (city and province) and date, sign, print or stamp their name and include the expiry date of their commission. If the document is sworn outside of the Yukon, the Notary Public must affix his/her seal.

INFORMATION PAGES

HOW TO FILL OUT THE AFFIDAVIT RE FAMILY HOME

A family home is defined in the Yukon *Family Property and Support Act*, RSY 2002, c. 38, as a property in which a person has an interest and that has been occupied by the person and their spouse as their family residence.

A property owned by a body corporate may be a family home if any of the shareholders of the body corporate are entitled to occupy the property and have occupied the property with their spouse as a family residence.

The Affidavit re Family Home attached indicates that the property is not a family home. If you do not know whether the property is a family home, obtain legal advice.

Identify the person who is swearing the Affidavit

I, _____, [print name] SWEAR/AFFIRM THAT:
--

- An authorized representative must sign and swear the Affidavit in front of a Notary Public or Commissioner for taking Affidavits.
- The authorized representative does not have to be the same person who signed the transfer but it must be someone who is authorized to sign on behalf of the body corporate and has personal knowledge of the facts sworn to in the Affidavit.

Sign and notarize

SWORN / AFFIRMED BEFORE ME)	
at _____ in _____)	
on the ____ day of _____, 20____	)	(Signature of authorized representative)
_____)	
(Signature of Notary or Commissioner)	)	(Print name)
_____)	
(print name)	)	* 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 Yukon must affix their official seal (subsection 61(3), Yukon Evidence Act).
Notary Public in and for Yukon;)	
or Notary Public or Commissioner for Oaths in)	
and for _____)	
(My commission expires: _____))	
)	
)	
)	

- The authorized signing officer must sign and swear the Affidavit in front of a Notary Public or Commissioner for taking Affidavits.
- The Notary or Commissioner must fill in the place (city and province) and date, sign, print or stamp their name and include the expiry date of their commission. If the document is sworn outside of the Yukon, the Notary Public must affix his/her seal.

HOW TO FILL OUT AFFIDAVIT #1 OF DECLARED VALUE

An Affidavit of Declared Value must be sworn by the transferee or an agent for the transferee who is familiar with the land and the circumstances of the transfer.

Read the instructions carefully. If you do not know whether the property is being purchased at arms-length, obtain legal advice.

IF THE DECLARED VALUE IS NOT THE ACTUAL AMOUNT PAID BY THE TRANSFEE TO THE TRANSFEROR IN AN ARM-LENGTH TRANSACTION, DO NOT USE THIS FORM. USE AFFIDAVIT OF DECLARED VALUE #2 INSTEAD.

Parcel number or legal land description

Re: _____
(Parcel number or legal description)

- The parcel number and legal land description are found on the certificate of title.
- If the transferors are transferring more than one parcel, do a separate Affidavit for each parcel.
- Insert the parcel number or complete legal land description shown on certificate of title: Lot number; Portion number; Block, Quad or Group number; Subdivision name; Community name; YT; and Plan number.
- If you use the parcel number, then you do not have to include any descriptions or particulars shown in Registrar's Notes on the certificate of title.

Identify the person swearing the affidavit

I am the (select one)

- ☐ transferee / one of the transferees named in the attached transfer of land.
☐ agent of the transferee(s) named in the attached transfer of land and I am authorized to make this affidavit. I know the land and the circumstances of the transfer.

- Check the box to indicate whether the person swearing the affidavit is the transferee or an agent for the transferee.
- If the transferee is a body corporate, then the authorized representative is signing as an agent for the transferee.
- If the affidavit is sworn by an agent for the transferee, that person must have personal knowledge of the declared value of the land and the circumstances of the transfer.

Declared value

The declared value of the land is \$ _____ which is the actual amount paid by the transferee to the transferor in an arms-length transaction.

- The transferee is swearing that
 - the price paid for the property is its fair market value; and
 - the transaction is between unrelated parties.
- **If those facts are not true, do not use this Affidavit. Use Affidavit #2.**
- Fill in the purchase price.

INFORMATION PAGES

Sign and notarize

SWORN / AFFIRMED BEFORE ME)	_____
at _____ in _____	)	(Signature)
on the ____ day of _____, 20____)	_____
_____	)	(print name)
(Signature of Notary or Commissioner))	
_____)	
(print name))	
)	
Notary Public in and for Yukon;)	
or Notary Public or Commissioner for Oaths in)	
and for _____)	
My commission expires: _____)	

- The person swearing the affidavit must sign the Affidavit in front of a Notary Public or Commissioner for taking affidavits, and print their name below their signature.
- If the transferee is the person swearing the affidavit, they must print their name as it will be shown on the Certificate of Title. Check the first page of the Transfer to make sure the names match.
- The Notary or Commissioner will fill in, date and sign the section to the left of the signature of the transferee.
- All Notaries and Commissioners must print or stamp their name, address 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 seal.

HOW TO FILL OUT AFFIDAVIT #2 OF DECLARED VALUE

Use Affidavit #2:

- When the purchase price of the property is not its fair market value, or
- When the parties are not at arms-length, or
- When there has been a decrease in value since the date of the last transfer.

If you do not know which of these circumstances apply, obtain legal advice.

The instructions to fill out Affidavit #2 are contained within the body of the Affidavit.

**TRANSFER OF LAND
BY BODY CORPORATE**
(s. 97, *Land Titles Act, 2015*)

Name of owner:

being registered owner of (*select only one*):

- ☐ an estate in fee simple; or
☐ a leasehold estate, Lease Interest Registration Number _____; or
☐ a life estate, Life Estate Interest Registration Number _____,

of the following land:

Parcel No. _____

Legal Description: _____

subject to section 59 of the *Land Titles Act, 2015* and the following encumbrances and interests as of the date of this transfer:

Interest Register number:

In consideration of the sum of

☐ \$ _____

or

☐ \$1.00 and other good and valuable consideration

paid by the transferee, the receipt of which sum is hereby acknowledged, transfer all my estate and interest in the land to the transferee:

If more than one transferee, choose tenancy type:

☐ as Joint Tenants; or

- ☐ as Tenants-in-Common - specify the ownership interest as a fraction (e.g. ¼, ½, etc.) and calculate title value based on each transferee's proportionate share of the declared value:

<i>Transferee's Name</i>	<i>Fraction</i>	<i>Title value</i>
		\$
		\$
		\$
		\$
<i>Total must equal:</i>	<i>1.0</i>	\$ <i>Total declared value</i>

The transferee's mailing address to be shown on the new Certificate of Title is:

If more than one transferee with different addresses,

Transferee's name

Address to be shown on title:

Signed by the transferor on _____, 20____.

If the transferor signs with its corporate seal:

In witness whereof the corporate seal of the transferor was affixed in the presence of its duly authorized officer(s).

Stamp or impress corporate seal

) _____
) *(Print full corporate name)*
) *By:*
) _____
) *(signature of authorized officer)*
) _____
) *(print name and title of authorized officer)*
)
) *If two signatures are required:*
)
) _____
) *(signature of authorized officer)*
) _____
) *(print name and title of authorized officer)*
)

If the transferor signs without a corporate seal:

Signed on behalf of the transferor by its duly authorized officer(s), without seal.

(Print full corporate name)

By:

(signature of authorized officer)

(print name and title of authorized officer)

If two signatures are required:

(signature of authorized officer)

(print name and title of authorized officer)

IF THE TRANSFER IS SIGNED BY A BODY CORPORATE UNDER SEAL, NO AFFIDAVIT OR CERTIFICATE IS REQUIRED. IF THE TRANSFER IS SIGNED BY A BODY CORPORATE WITHOUT SEAL, THE ATTACHED AFFIDAVIT OF CORPORATE AUTHORITY IS REQUIRED

Page _____

AFFIDAVIT RE FAMILY HOME
(s. 23, *Family Property and Support Act*)

I, _____,
[print name]

SWEAR/AFFIRM THAT:

1. I am an officer, director or authorized representative of the body corporate that executed the annexed instrument and I am authorized to make this Affidavit.
2. In this Affidavit:
 - a. The word “property” means the property described in the attached instrument;
 - b. The word “family home” is defined in section 21 of the *Family Property and Support Act*, 2002, c 83 (the “Act”).
3. No person has an interest in the property pursuant to subsection 21(4) of the Act and no one with ownership or an interest in ownership of shares in the body corporate has occupied the property as a family home.

SWORN / AFFIRMED BEFORE ME)	
at _____ in _____)	_____
on the ____ day of _____, 20____	)	(Signature of authorized representative)
)	
_____)	_____
(Signature of Notary or Commissioner)	)	(Print name)
)	
_____)	
(print name))	
)	
Notary Public in and for Yukon;)	
or Notary Public or Commissioner for Oaths in)	
and for _____)	
(My commission expires: _____))	
)	

*** 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 Yukon must affix their official seal (subsection 61(3), Yukon Evidence Act).**

**AFFIDAVIT #1 OF DECLARED VALUE –
INCREASE IN VALUE AND ACTUAL AMOUNT PAID
IN ARMS-LENGTH TRANSACTION**
(Land Titles Tariff of Fees Regulation, s. 1(2))

TO THE REGISTRAR:

Re: _____
(Parcel number or legal description)

I SWEAR/AFFIRM THAT:

1. In this affidavit,
 - **“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
 - **“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 transfer of land.
 - ☐ agent of the transferee(s) named in the attached transfer of land and I am authorized to make this affidavit. I am familiar with the land and the circumstances of the transfer.
3. The declared value of the land is \$ _____ which is the actual amount paid by the transferee to the transferor in an arms-length transaction.

SWORN/AFFIRMED BEFORE ME)	
at _____ in _____)	_____
on the ____ day of _____, 20____	)	<i>(Signature)</i>
_____)	_____
<i>(Signature of Notary or Commissioner)</i>	)	<i>(print name)</i>
_____)	
<i>(print name)</i>)	
Notary Public in and for Yukon;)	
or Notary Public or Commissioner for Oaths in)	
and for _____)	
My commission expires _____)	
<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).

Note: If the interest being transferred in the attached transfer is less than the whole 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 fractional interest. You may state that "The declared value of the transferor's $\frac{1}{2}$ interest in the land as a tenant-in-common is \$_____." Or "The declared value of the land is \$_____, as to a $\frac{1}{2}$ interest."

**AFFIDAVIT #2 OF DECLARED VALUE -
NOT AN ARMS-LENGTH TRANSACTION
OR NO INCREASE IN VALUE**
(Land Titles Tariff of Fees Regulation, s. 1(2))

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 \$_____.

Even if the parties are not at arms-length, if the declared value has increased since the date of the last transfer, no explanation is required. 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]

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:

- **If the interest being transferred in the attached transfer is less than the whole 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 fractional 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."**
- **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.**