

Draft Regulations

Draft Regulation

An Act respecting duties on transfers of immovables (chapter D-15.1)

Form for presenting an application for registration of a transfer of an immovable

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation respecting the form for presenting an application for registration of a transfer of an immovable, appearing below, may be submitted to the Government on the expiry of 45 days following this publication.

The draft Regulation prescribes the information that must appear, pursuant to the third paragraph of section 9 of the Act respecting duties on transfers of immovables (chapter D-15.1), on the form referred to in the third paragraph of article 2982 of the Civil Code for an application for registration in the land register, so that the Minister of Finance may develop economic, fiscal, budgetary and financial policies pursuant to section 2 of the Act respecting the Ministère des Finances (chapter M-24.01).

The new obligation could give rise to costs, particularly for legal professionals who enter applications for the registration of property transfers in the land register.

Further information on the draft Regulation may be obtained by contacting Jean Labbé, Director, Direction de l'analyse structurelle et de la modélisation, Ministère des Finances, 12, rue SaintLouis, Québec (Québec) G1R 5L3; telephone: 418 6912226; fax: 418 643-6630; email: DASM@finances.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Finance, 12, rue SaintLouis, Québec (Québec) G1R 5L3.

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Minister of Finance

JONATAN JULIEN,
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Regulation respecting the form for presenting an application for registration of a transfer of an immovable

An Act respecting duties on transfers of immovables (chapter D-15.1, s. 9)

1. In addition to the information referred to in article 2982 of the Civil Code, the following declarations by each transferor and transferee must appear on the form for presenting an application for registration of a transfer of an immovable in the land register:

(1) for a natural person, the person's citizenship and, if applicable, status of permanent resident within the meaning of the Immigration and Refugee Protection Act (S.C. 2001, c. 27);

(2) for a legal person:

(a) the name of the State, province or territory in which the legal person was constituted; and

(b) whether the legal person is resident in Canada within the meaning of the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.));

(3) for a trust or partnership:

(a) the name of the State, province or territory where the contract establishing the trust or forming the partnership was entered into;

(b) for a general partnership, whether at least half of the members are foreign nationals;

(c) for a limited partnership, whether a general partner is a foreign national; and

(d) for a trust, whether the trust is resident in Canada within the meaning of the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.));

(4) the amount of the consideration for the transfer of the immovable; and

(5) if the transferee is a natural person, the intention of the transferee or a member of the transferee's family to occupy a dwelling in the immovable as a principal residence.

The expression “foreign national” has the meaning assigned by the Immigration and Refugee Protection Act (S.C. 2001, c. 27) in the case of a natural person and, in the case of a legal person, it has the meaning of a legal person that was not constituted in Canada and is not resident in Canada within the meaning of the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.)). In addition, the following are members of the family of a transferor and of a transferee: their spouse, their children and those of their spouse, their parents and those of their spouse, their brothers and sisters and those of their spouse, their grandparents and those of their spouse, their grandchildren and those of their spouse and their great grandchildren and those of their spouse.

2. This Regulation comes into force on 1 October 2020

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