

Transfer of Land

Information Sheet

Transfers of Land are regulated under the *Land Titles Act*. Except for special types of ownership changes, like a transfer to a personal representative of an estate, a transfer of land form is required when you want to change the ownership of a property

IMPORTANT NOTE: Due to the complex nature and legal requirements of a land transfer, Land Titles staff cannot assist you with the completion of documents. This guide only outlines the most basic situations. If you are unsure of how to correctly complete the forms, please seek the assistance of a legal professional.

What information you need

- The full name(s) of all the current owners of the property (called the transferor(s))
- The full name(s) of all the new owners of the property (called the transferee(s))
- The full address of all the new owners of the property (called the transferee(s))
- The full *legal land description of the property (not the civic address)
- The amount of money paid for the transfer, if any (called the consideration)
- The current value of the land (including all buildings and structures on it)
- The type of tenancy (ownership) the new owners will have (joint, tenants in common or a defined interest)
- The name and address of the person(s) who will witness the transferor(s) signature(s).
- If dower requirements apply; if there is only one current owner on the property, you will need one of:
 - Consent and Acknowledgement by Spouse, or
 - Dower Affidavit, or
 - Release of Dower Rights and Affidavit in Support of Dower Release, or
 - Court Order Dispensing with Dower, or
 - Statement in the Affidavit Re Value of Land that the transfer is from the married person to the married person and their spouse (only when adding the spouse to the title)
- If a Foreign Ownership of Land declaration is required (when the property is NOT located in a city, town or village)
- A commissioner for Oaths

The different types of ownership (tenancy)

- Sole Ownership: either a person or a registered company - who is the sole owner of the land
- Tenants in Common: in this type of ownership there are two or more owners called tenants in common. When a tenant in common dies, that person's share in the land goes to his or her estate not the other co-owner(s). The will must be probated
- Joint Tenants: this type of ownership also involves two or more owners, but each owner has the right of survivorship, when one owner dies, that person's interest automatically passes to the other owner(s).

Note: if you wish to become a joint tenant you must specify this on the transfer document, after the name and address of the transferees (purchasers); otherwise, you will become a Tenant in Common by default.

What is consideration?

Consideration is the amount that you paid for the property. A few examples are:

- Nil (if the property is given to you as gift)
- Estate (if the property is left you in a will)
- Cash & Mortgage (if you made a down payment in cash and financed the rest)
- \$100,000 & Mortgage (if you paid \$100,000 cash and financed the rest)
- \$400,000.00 (if you paid \$400,000 cash or cash and mortgage for the property)

What is Value?

The 'value' means the dollar amount that the land might be expected to realize if it were sold on the open market by a willing seller to a willing buyer.

- The 'land' includes buildings and all other improvements affixed to the land.
- If you have an Affidavit Re Value of Land that was previously completed, the information cannot be more than two years old.

Other information

If the transfer of land is being completed by a personal representative of an estate, such as an Executor or Administrator, it will also require a completed Affidavit of Minors for Estates form.

Commissioners & Notary Public

Many Land Titles documents and forms require that they be commissioned or notarized. To have your documents or forms commissioned, here is some important information you should keep in mind.

Commissioners for oaths by virtue of office or status

Under the *Notaries and Commissioners Act* the following persons are commissioners for oaths, empowered by virtue of their office or status to administer oaths and take and receive affidavits, affirmations and declarations in Alberta for use in Alberta.

For oaths sworn in Alberta

- a judge
- a lawyer and a student-at-law
- a political representative:
 - a member of the Legislative Assembly of Alberta
 - a member from Alberta of the House of Commons of Canada
 - a member of the Senate of Canada who at the time of appointment as a senator is a resident of Alberta
- a Metis settlement councilor and a municipal councilor
- a member of a board of trustees of a school district or division as defined in the *School Act*
- a person who holds a commission as an officer in the Canadian Forces and who is on full-time service, whether in Canada or outside Canada
- a police officer
- a notary public is also a commissioner for oaths

For oaths sworn outside Alberta for use in Alberta

- a political representative
- a person who holds a commission as an officer in the Canadian Forces and who is on full-time service, whether in Canada or outside Canada

- a commissioner for oaths by virtue of an office or status referred to above who actually resides in, or who provides services as a commissioner for oaths in, the part of the City of Lloydminster that is located in Saskatchewan

Other Commissioners for Oaths

- Most Authorized Registry Agent Offices have a commissioner for Oaths available
- Many banks or other organizations may have a commissioner available

What information the commissioner must include

- A commissioner for Oaths must write or stamp below their signature, on every affidavit or statutory declaration or other document made before them one of the following phrases (dependent of their appointment):
 - A commissioner for Oaths in and for Alberta, being a [enter office or status]
 - A commissioner for Oaths in and for Alberta. My commission expires [date]
 - A commissioner for Oaths in and for Alberta, being a [rank] in the Canadian Armed Forces.
 - Assistant Deputy Registrar, Section 9 *Land Titles Act*
 - Deputy Registrar, Section 9 *Land Titles Act*
 - Registrar, Section 9 *Land Titles Act*

What information a notary public must include

- The notary must always affix their notary seal
- The seal must include:
 - their name
 - the words NOTARY PUBLIC and PROVINCE of ALBERTA

Additional Information

Detailed information regarding land titles filing requirements and forms can be found on our website:

- **Main webpage**
 - <https://www.alberta.ca/land-titles-overview.aspx>
- **Transfer of Land policy**
 - <http://www.servicealberta.ca/pdf/ltmanual/TRF-1.pdf>
- **Transfer and Transmission of Land forms**
 - <https://www.alberta.ca/land-titles-overview.aspx>
- **Land Titles Act**
 - http://www.qp.alberta.ca/1266.cfm?page=L04.cfm&leg_type=Acts&isbncln=9780779789702&display=html
- **Fees**
 - http://www.servicealberta.ca/pdf/ltmanual/Land_Titles_Common_Documents_Fee_Schedule.pdf

**Legal Descriptions

Ways to find your legal description:

- from a previous copy of title
- most tax assessment notices have it
- some taxation municipalities may be able to provide it



- using the Land Titles SPIN 2 system search
- visiting the Land Titles survey department

Some legal descriptions are complicated and reference only portions of land. In these cases, you must be able to provide the full legal description, or the Land Titles staff will not be able to determine the correct property. It is the registrant's responsibility to ensure they have the full and accurate legal description.

Registration Fees:

Transfer of Land or Transfer of Leasehold Title	\$50 + \$2/\$5000 of the value
Extra title(s) affected	\$15.00 per title

Please enclose a cheque or money order payable to the **Government of Alberta**. The completed affidavit, certificate(s) and appropriate fees can be mailed to either address:

Land Titles Office
Box 7575
Calgary AB T2P 2R4

or

Land Titles Office
Box 2380
Edmonton AB T5J 2T3

If you have any further questions, please call:

Alberta Government Services Bldg.
2nd Floor, 710-4th Avenue SW
Calgary AB T2P 0K3
403-297-6511
ltos@gov.ab.ca

or

John E. Brownlee Building
10365-97th Street
Edmonton AB T5J 3W7
780-427-2742
lto@gov.ab.ca

* The information provided in this document is only a guideline and is not intended as an exhaustive listing.