



Land Tax Deferment Act

LAND TAX DEFERMENT REGULATION

B.C. Reg. 57/98

Deposited and effective March 5, 1998

Last amended September 20, 2020 by B.C. Reg. 264/2020

Consolidated Regulations of British Columbia

This is an unofficial consolidation.

B.C. Reg. 57/98 (O.C. 240/98), deposited and effective March 5, 1998, is made under the *Land Tax Deferment Act*, R.S.B.C. 1996, c. 249, s. 18 (2).

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at www.bclaws.ca.

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Definitions

1 In this regulation:

“**Act**” means the *Land Tax Deferment Act*;

“**applicant**” means a person who applies to defer property taxes.

[am. B.C. Regs. 372/2012; 109/2015, s. 1.]

Person with disabilities

1.1 (1) In this section, the “**EAPD Act**” means the *Employment and Assistance for Persons with Disabilities Act*.

(2) For the purposes of the Act, a person with disabilities is a person who

(a) is designated as a person with disabilities under section 2 of the EAPD Act, or

(b) is not designated under section 2 of the EAPD Act, but otherwise has a severe mental or physical impairment that meets the criteria set out in section 2 (2) (a) and (b) of that Act, and, for this purpose, section 2 (1) and (3) (b) of that Act apply.

(3) For the purpose of verifying that a person meets the criteria as described in subsection (2) (b), an applicant must provide to the minister a medical practitioner’s written certification of the matters listed in section 2 (2) of the EAPD Act.

[en. B.C. Reg. 214/2003; am. B.C. Regs. 117/2013; 264/2020, s. 1.]

Consent to obtain report

1.2 (1) In this section:

“**report**” has the same meaning as in section 106 of the *Business Practices and Consumer Protection Act*;

“**reporting agency**” has the same meaning as in section 106 of the *Business Practices and Consumer Protection Act*.

(2) If required by the minister, an application made under section 5 or 7.1 of the Act must include the consent of the following persons for the minister to obtain from a reporting agency a report respecting the person who gives the consent:

(a) each owner of the property that is the subject of the application;

(b) the spouse, in the case of an application made under section 7.1 of the Act.

[en. B.C. Reg. 264/2020, s. 2.]

Copy certified by Surveyor of Taxes to serve as agreement

2 For the purposes of section 7 (1) of the Act, an “**agreement made under section 6**” includes a copy of an agreement certified as such by the Surveyor of Taxes, whether or not that copy bears the signatures of the parties.

Agreement to defer property taxes

- 3** (1) In this section:
- “**owner**” means an owner of eligible property that is subject to an agreement;
- “**register the agreement**” means to do one or both of the following, as applicable:
- (a) to register an agreement in the land title office as a lien and charge against an owner’s interest in eligible property that is subject to the agreement in favour of the government;
 - (b) to register a financing statement in the personal property registry as a lien against an owner’s interest in a manufactured home that is subject to an agreement in favour of the government.
- (2) An agreement may be made electronically or in any other manner, as required by the minister.
- (3) Each owner must, in an agreement,
- (a) authorize the minister to register the agreement,
 - (b) agree to notify the minister
 - (i) in the event of the death of an owner, and
 - (ii) if the eligible property is sold, transferred or otherwise disposed of, and
 - (c) agree to obtain the consent of the following persons to register the agreement, if consent is required by the minister as a term of that agreement:
 - (i) a holder of a registered charge against the eligible property;
 - (ii) a spouse within the meaning of the *Land (Spouse Protection) Act* on whose behalf an entry is made, in relation to the eligible property, under that Act.

[en. B.C. Reg. 264/2020, s. 3.]

Form of certification under section 2 by the Surveyor of Taxes

- 4** Certification under section 2 by the Surveyor of Taxes must be in Form 3 of the Schedule.

[am. B.C. Reg. 325/2010, App. s. 1.]

- 5** Repealed. [B.C. Reg. 176/2012, s. 1.]

Minimum equity required

- 6** For the purpose of section 5 (5) (a) of the Act,
- (a) in respect of a deferral agreement referred to in section 5 (1) of the Act, the percentage is 75% of the deferrable value of the eligible property for the taxation year for which the application is made,

- (b) in respect of a deferral agreement referred to in section 5 (2.1) of the Act, the percentage is 85% of the deferrable value of the eligible property for the taxation year for which the application is made, and
- (c) in respect of a deferral agreement referred to in section 5 (2.3) of the Act, the percentage is 85% of the deferrable value of the eligible property for the taxation year for which the application is made.

[en. B.C. Reg. 79/2009, s. 2; am. B.C. Regs. 121/2010, s. 2; 176/2012, s. 2.]

Amending agreement

- 7 (1) In this section:
- “**amending agreement**” has the same meaning as in section 7.1 of the Act;
 - “**original agreement**” has the same meaning as in section 7.1 of the Act;
 - “**owner**” means an owner of eligible property that is subject to an amending agreement;
 - “**spouse**” means a spouse who enters into an amending agreement.
- (2) An amending agreement may be made electronically or in any other manner, as required by the minister.
- (3) A spouse must, in an amending agreement, agree with the minister to be bound by and to perform, satisfy and discharge all of the obligations, liabilities and duties under the original agreement, as amended, as if the spouse were an original party to the original agreement.
- (4) A spouse and each owner must, in an amending agreement, authorize the minister to do one or both of the following, as applicable:
- (a) to register the amending agreement as a modification to the registered charge created when the original agreement was registered in the land title office;
 - (b) to register a financing change statement amending the financing statement registered in the personal property registry when the original agreement was originally made.

[en. B.C. Reg. 264/2020, s. 4.]

Copy certified by Surveyor of Taxes to serve as amending agreement

- 8 For the purposes of section 7.2 (1) of the Act, an “**amending agreement made under section 7.1**” includes a copy of an amending agreement certified as such by the Surveyor of Taxes, whether or not that copy bears the signatures of the parties.

[en. B.C. Reg. 325/2010, App. s. 2.]

Form of certification of amending agreement by the Surveyor of Taxes

- 9 Certification under section 8 by the Surveyor of Taxes must be in Form 5 of the Schedule.

[en. B.C. Reg. 325/2010, App. s. 2.]

Transfer to other owner does not terminate agreement

- 10** For the purposes of section 4 (2) (b) of the Act, the prescribed circumstance is that the disposition is a transfer of a portion of an owner's interest in the eligible property described in the agreement only to one or more of the other owners of that eligible property.

[en. B.C. Reg. 109/2015, s. 3.]

Registration permitted without minister's consent

- 11** For the purposes of section 11 (1) (c) of the Act, a registrar may register a transfer of a portion of an owner's interest in the eligible property described in the agreement from the owner only to one or more of the other owners of that eligible property without written consent of the minister.

[en. B.C. Reg. 109/2015, s. 3.]

SCHEDULE

[am. B.C. Regs. 325/2010, App. s. 3; 109/2015, s. 4; 264/2020, s. 5.]

FORMS 2 AND 2A

Repealed. [B.C. Reg. 264/2020, s. 5.]

FORM 3

(section 7 (1) of the Act)

I, THE SURVEYOR OF TAXES, CERTIFY THAT

- this is a copy of agreement, as that term is referred to in the Land Tax Deferral Regulation, made on[*date*] and duly executed by the Crown in right of British Columbia as represented by the Minister of Finance and by the applicant(s), and
- the original agreement is deposited at the Tax Deferral Office and bears Agreement No.

SURVEYOR OF TAXES

DATE SIGNED

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FORM 4

Repealed. [B.C. Reg. 264/2020, s. 5.]

FORM 5

(section 8)

I, THE SURVEYOR OF TAXES, CERTIFY THAT

- this is a copy of amending agreement, as that term is referred to in the Land Tax Deferment Regulation, made on[date] and duly executed by the Crown in right of British Columbia as represented by the Minister of Finance and by the applicants, and
- the amending agreement amends the original agreement deposited at the Tax Deferment Office that bears Agreement No. and registered in the applicable land title office as charge number in favour of the Crown.

SURVEYOR OF TAXES

DATE SIGNED

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