



**DIRECTIVE  
Land Registry**

**SECTION: Subsequent Registrations**

**NUMBER: 1300 - 001**

**SUBJECT: Tax Arrears – Property Taxes –  
outstanding upon registration**

**PURPOSE**

To outline the requirements of the Affidavit of Transfer/Value for a deed/transfer of a property where the property taxes remain unpaid upon registration

**REFERENCE**

- *Registry Act, sec. 19(6,), & New Brunswick Regulations under the Registry Act 83-107, sec. 2(e.1);*
- *Land Titles Act, sec. 80 & New Brunswick Regulations under the Land Titles Act, form 54 (Affidavit of Value);*
- *Real Property Tax Act, sec. 10(3) & sec. 11*

**BACKGROUND**

A deed/transfer will not be registered unless the Affidavit of Transfer/Value states that all property taxes have paid in full **or** unless the grantee/transferee's solicitor states that he has paid or will cause to be paid, the outstanding taxes, as per Clause 7 of Form 54 (Affidavit of Value) or as per Clause 7 of Form 1 (Affidavit of Transfer).

**DIRECTIVE**

- In the case of a family transaction where taxes are still owing upon registration, Registry Office staff shall register the deed/transfer document **only if** there is a letter from the Department of Finance, attached to the Affidavit of Transfer/Value, stating that an “**Acknowledgement of Payment Agreement**” is in place.



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Accordingly, Clause 7 of the Affidavit of Transfer/Value will be substituted to read as follows:

7C. That all outstanding taxes and penalties imposed on the real property under the *Real Property Tax Act* are subject to payment pursuant to an "Acknowledgement of Payment Agreement" with the New Brunswick Department of Finance, Account Management Section, a copy of which is hereto attached to this Affidavit and this paragraph, in addition to any consequence for failing to be true, shall constitute my irrevocable undertaking to pay such taxes and penalties in accordance with the said agreement.

- In the case of a transaction involving the appointment of a Trustee in Bankruptcy, where taxes are still owing upon registration but subject to cancellation pursuant to the provisions of the *Bankruptcy Act of Canada*, Clause 7 of the Affidavit of Transfer/Value will be substituted to read as follows:

7B. That outstanding taxes or penalties on the real property under the Real Property Tax Act have not been paid, but I shall without delay cause them to be paid, and this paragraph, in addition to any consequence for failing to be true, shall constitute my irrevocable undertaking to immediately cause them to be paid, upon registration of the Deed accompanying this Affidavit except those subject to cancellation pursuant to the provisions of the *Bankruptcy and Insolvency Act* of Canada as of

- the end of \_\_\_\_\_(the previous calendar year), or
- the date of acquiring title.

. The Trustee was appointed by:  
 \_\_\_\_\_Receiving Order      \_\_\_\_\_Assignment  
 % attached hereto  
 % registered herewith  
 registered as # \_\_\_\_\_.



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- In the case of a transaction where the purchase monies will be used after registration to pay the outstanding property taxes, Clause 7 of the Affidavit of Transfer/Value will be substituted to read as follows:

7A. That outstanding taxes or penalties on the real property under the Real Property Tax Act have not been paid, but I shall without delay cause them to be paid, and this paragraph, in addition to any consequence for failing to be true, shall constitute my irrevocable undertaking to without delay cause them to be paid, upon registration of the Deed accompanying this Affidavit as of

- the end of \_\_\_\_\_ (the previous calendar year), or
- the date of acquiring title.

- In the case of a transaction where the purchase monies will be used after registration to pay the outstanding property taxes on an infant parcel when taxes are owed on the parent parcel, Clause 7 of the Affidavit of Transfer/Value will be substituted to read as follows:

7D. That all outstanding taxes or penalties apportioned from the parent parcel on the real property under the *Real Property Tax Act* have not been paid, but I shall without delay cause them to be paid, and this paragraph, in addition to any consequence for failing to be true, shall constitute my irrevocable undertaking cause them to be paid without delay upon apportionment being made after registration of the Deed accompanying this affidavit as of

- the end of \_\_\_\_\_ (the previous calendar year), or
- the date of acquiring title.