

Significant Changes To The Land Transfer Tax Act

November 23, 2016

Effective January 1, 2017, Land Transfer Tax rates for commercial real property transactions will increase.

On November 16, 2016, the Province of Ontario introduced Bill 70, Building Ontario Up for Everyone Act (Budget Measures), 2016 for first reading. Bill 70 brings significant changes to the Land Transfer Tax Act ("LTTA").

Effective January 1, 2017, Land Transfer Tax ("LTT") rates for commercial real property transactions will increase from 1.5 per cent to 2 per cent for the portion of the value of consideration given for the property that exceeds \$400,000. This increased rate applies to all real property transactions except for conveyances transferring only one or two single-family residences. This is the first time rates have changed since 1989. These changes do not affect Toronto's Municipal Land Transfer Tax by-law, and Toronto has not indicated whether it is considering amending this regime.

Bill 70 contains a grandfathering clause which precludes new rates from applying to agreements of purchase and sale ("APS") executed on or before November 14, 2016.

Purchasers seeking to rely on the grandfathering clause should remain cautious, however. Various issues may affect a purchaser's ability to rely on their pre-November 14, 2016 APS. For example, amending a pre-November 14 APS may risk triggering "novation," whereby extensive amendments could be considered, in effect, to create a new APS, effective after November 14, which would attract the increased rates. Purchasers should consult BLG to ensure they can rely on their pre-November 14 APS to avoid the increased rates.

These rate changes can be significant depending on the circumstances. For example, a \$10 million transaction will attract an additional \$48,000 in LTT if it closes on January 1, 2017 as compared to a closing on December 31, 2016. Purchasers should consider consulting BLG if they are in a position to close before year end.

By

[Brennan M. Carroll](#), [Jamison Young](#), [Braek Urquhart](#)

Expertise

[Commercial Real Estate](#), [Leasing](#), [Tax](#), [Tax Disputes & Litigation](#)

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.